

Outdoor Alcohol Restrictions Consultation 2018

File No: X014979

Summary

The City considers applications for new outdoor alcohol restrictions each year.

There are two types of outdoor alcohol restrictions:

- (a) Alcohol free zones apply to public roads and footpaths.
- (b) Alcohol prohibited areas apply to parks and civic spaces.

Outdoor alcohol restrictions are established in public places to restrict the consumption of alcohol to help prevent alcohol-related anti-social behaviour and crime, which includes damage to property, littering and noise impacts.

Outdoor alcohol restrictions provide NSW Police with an early intervention measure to confiscate alcohol within designated areas. In New South Wales, a person cannot be fined for consuming alcohol in a restricted site.

From December 2017 to September 2018 the City received 12 applications from NSW Police and one application from a resident requesting consideration of new outdoor alcohol restriction sites. The applications received requested 12 new alcohol free zones, which are valid 24 hours a day, seven days per week and one temporary alcohol free zone, which is time limited and put in place to reduce alcohol related incidents for special events across set dates, e.g. New Year's Eve.

These sites were nominated due to anti-social behaviour, which includes pre-loading, public urination, littering and irresponsible drinking in streets surrounding late night entertainment premises.

The Ministerial Guidelines for Alcohol Free Zones 2009 guide the public notification required for all new outdoor alcohol restriction sites. In accordance with the Ministerial Guideline, a 30 day notification period took place between 20 August 2018 and 19 September 2018.

The City received four submissions opposing the proposals. Concern was raised regarding infringement on responsible consumption of alcohol in public places and the burden of regulation on the community. Submissions received in objection were generic and did not specifically reference the proposed sites.

In consideration of proposed restrictions, the City considers the application, advice from NSW Police and the benefits of the restriction in reducing alcohol related anti-social behaviour. This includes an analysis of current crime statistics with all 13 proposed sites located close to areas with higher levels of alcohol related violence.

Following analysis of all applications, submissions and current crime statistics, this report recommends 12 sites be established as alcohol free zones until 22 March 2020 and one site be established as a temporary alcohol free zone on New Year's Eve until 2020.

Recommendation

It is resolved that:

- (A) the following alcohol free zones are approved for establishment 24 hours a day, seven days per week until 22 March 2020:

Kings Cross Police Area Command

- (i) Badham Street

Redfern Police Area Command

- (ii) Balfour Street (between O'Connor Street and Meagher Street)

Surry Hills Police Area Command

- (iii) Clare Street
- (iv) Flinders Street (between Albion Street and Moore Park Road)
- (v) Floods Place
- (vi) Hill Street
- (vii) Linden Lane
- (viii) Maiden Lane
- (ix) Mary's Place
- (x) Short Place
- (xi) Short Street
- (xii) Patterson Lane

- (B) the following temporary alcohol free zone is approved for establishment 24 hours a day from 31 December 2018 to 1 January 2019 and from 31 December 2019 to 1 January 2020:

Sydney City Police Area Command

- (i) Hickson Road

Attachments

- Attachment A.** Public Notice - Proposed Outdoor Alcohol Restrictions 2018
- Attachment B.** Submissions Summary - Proposed Outdoor Alcohol Restrictions 2018
- Attachment C.** Map - Proposed Outdoor Alcohol Restrictions 2018

Background

1. Alcohol free zones and alcohol prohibited areas are established in public places across New South Wales to restrict the consumption of alcohol to help prevent alcohol-related anti-social behaviour and crime.
2. NSW Police support restrictions as a crime prevention tool, advising that they can mitigate other crimes such as malicious damage, stealing, offensive behaviour and acts of violence.
3. These restrictions provide NSW Police with the authority to tip out or confiscate alcohol within designated public areas. There are no fines associated with the offence.
4. From July 2017 to June 2018 there were 1,503 incidents of alcohol non-domestic violence related assaults in the City of Sydney Local Government Area. The current trend across the City is stable over a two year period, 2016 - 2018.
5. Under the Local Government Act 1993, Council can resolve to establish an alcohol free zone, or an alcohol prohibited area. Alcohol free zones and areas can also be established on a temporary basis for special events.
6. The Ministerial Guidelines on Alcohol Free Zones 2009 provide the process that councils must undertake to establish alcohol free zones and alcohol prohibited areas.
7. In 2016, the City conducted an audit of all alcohol free zones and alcohol prohibited areas across the local government area. The City then initiated public consultation to review all zones and areas and align their expiry to a common date, which is currently 22 March 2020.
8. From December 2017 to September 2018 the City received 12 applications from NSW Police and one from a resident for new alcohol free zones. This includes one application for a temporary restriction for New Year's Eve. All applications were placed on public exhibition from 20 August to 19 September 2018.
9. Twelve applications were received from NSW Police, who support outdoor alcohol restrictions as a crime prevention tool, advising they can mitigate other crimes such as offensive behaviour and acts of violence. One application was received from a resident due to alcohol related antisocial behaviour in a nearby street.

10. The applications from NSW Police cited alcohol related anti-social behaviour including public urination, littering and pre-drinking outside licensed venues. Pre-drinking, also known as pre-loading, refers to the consumption of alcohol, often to levels of intoxication, prior to attending a licenced venue.
11. The application from a resident for an alcohol free zone in Badham Street, Woolloomooloo was due to ongoing anti-social behaviour in the street from nearby backpackers who routinely engaged in street drinking. NSW Police have advised they have no objection to this proposal.
12. At the completion of the notification period, the City received four submissions objecting to the proposals. Submissions received in objection outlined infringement on responsible consumption of alcohol in public places and the burden of regulation on the community. Submissions received in objection were generic and did not specifically reference the proposed streets. A summary of the submissions is included in Attachment B.
13. In consideration of proposed restrictions the City considers the application, advice from NSW Police and the benefits of the restriction in reducing alcohol related anti-social behaviour. This includes an analysis of current crime statistics with all 13 proposed sites located close to areas with a higher level of alcohol related violence.
14. Based on the applications, submissions, current crime statistics, and additional analysis, this report recommends all 13 zones for endorsement.
15. If endorsed by Council a notice will be placed on the City's website to notify the community of established alcohol free zones.
16. The alcohol free zones will not operate until seven days after such notice and until roads and footpaths affected are adequately signposted.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

17. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 6 - Resilient and Inclusive Local Communities. The establishment of alcohol restrictions enhances the safety and accessibility of civic spaces for a diverse population of residents, workers and visitors to enjoy.

Risks

18. If Council does not endorse the proposal, alcohol free zones will not be valid in the proposed streets. The actual risk is considered low to moderate, as the NSW Police have other powers to deal with alcohol related anti-social behaviour. However, restrictions will allow the Police to seize alcohol from persons located within the area, which can assist in preventing anti-social behaviour.

Social / Cultural / Community

19. The intention of establishing outdoor alcohol restrictions is to assist in preventing alcohol-related anti-social behaviour and crime. This can lead to an enhancement of amenity for residents, businesses and visitors to Sydney.

Economic

20. Areas covered by footway approvals issued by the City of Sydney to licensed premises are exempt from alcohol free zone restrictions. Footway approved areas are covered by responsible service of alcohol provisions and, therefore, any alcohol-related anti-social behaviour is the responsibility of premises operators. For this reason, footway occupations require clear physical delineation to show where the licensed area ends and the alcohol free zone begins

Budget Implications

21. Funding for relevant signage is included in the 2018/19 City Business and Safety budget.

Relevant Legislation

22. Local Government Act 1993.
23. Liquor Act 2007.
24. Roads Act 1993.

Critical Dates / Time Frames

25. Under the Local Government Act 1993, a council must publicly advise the establishment of an alcohol free zone.
26. An alcohol free zone will not operate until seven days after notice is given of the establishment and until roads and footpaths affected are adequately signposted.

Public Consultation

27. A 30 day notification period took place between 20 August 2018 and 19 September 2018. Consultation included community engagement and targeted consultation with NSW Police, liquor licensees, community interest groups and relevant business units within the City. A copy of the public notice is provided in Attachment A.

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