

POLICY OBJECTIVE

This policy outlines Council's position in discouraging anti-social behaviour and social disruption that arises from the harmful consumption of alcohol in certain public places through:

- The establishment and management of alcohol prohibited areas and alcohol free zones in accordance with sections 632A and 644B of the *Local Government Act 1993* and Office of Local Government ministerial guidelines
- Assisting the NSW Police Local Area Command to control the consumption of alcohol within the Edward River Council area

SCOPE

This policy applies to all community members in the Edward River Council local government area.

LEGISLATIVE REQUIREMENTS

- NSW Local Government Act 1993
- Ministerial Guidelines on Alcohol Free Zones (February 2009)
- Liquor Act 2007

POLICY STATEMENT

Council recognises excessive consumption of alcohol is often associated with disorderly and anti-social behaviour and disruption. This can lead to violence and damage to private and public property. Council has legal authority to apply two forms of alcohol regulation to reduce the impact of alcohol consumption in public places.

Alcohol Free Zones

Alcohol-Free Zones are applied to public roads, public carparks and footpaths and can be established for a maximum period of 4 years. These can operate for the whole of that period or just for days on which particular special events occur.

Council may prepare a proposal for the establishment or review of an Alcohol-Free Zone either on its own motion or on application from a third party. As part of this process Council will undertake public consultation and refer the proposal to the NSW Police Community Safety Precinct Committee.

Alcohol Prohibited Areas

An Alcohol Prohibited Area is a public place or part of a public place such as a park or reserve that has been established by Council where the consumption of alcohol is prohibited. There are no time limits for the operation of an Alcohol Prohibited Area as there are for an Alcohol-Free Zone.

In accordance of section 632A (8) of the *Local Government Act 1993*, Council establishes an Alcohol Prohibited Area in consultation with and approval from the NSW Police.

In accordance with section 632A (9) should Council be required by the guidelines in force under section 646 to provide the Anti-Discrimination Board with a copy of the council's proposal to establish an alcohol-free zone, council cannot establish an alcohol prohibited area unless the council has complied with the consultation requirements set out in those guidelines.

Council will also invite comment and notify the following organisations/individuals:

- The NSW Police.
- Each holder of a licence in force under the *Liquor Act 2007* for premises that border on, adjoin or are adjacent to, the proposed Alcohol Prohibited Area
- Any known organisation representing or able to speak on behalf of an identifiable Aboriginal or culturally and linguistically diverse group within the local area.
- Any other group or organisation that Council believes may have an interest in the proposal.

Offences and Penalties

Any person caught consuming alcohol in a designated Alcohol Free Zone or Alcohol Prohibited Area may have their alcohol confiscated and 'tipped out' by the police.

In circumstances where a person does not cooperate with a request by the Police or an authorised council enforcement officer to hand over alcohol in an Alcohol-Free Zone or Alcohol Prohibited Area can be charged with obstruction under the NSW *Local Government Act 1993* which may incur a penalty.

SUSPENSION OR CANCELLATION

All requests for suspension of an Alcohol-Free Zone or Alcohol Prohibited Area shall be forwarded to Council in writing a minimum of 30 days prior to the proposed suspension period.

All requests for the suspension must provide the following information:

- Details of the organisation requesting the suspension
- Area of the Alcohol-Free Zone or Alcohol Prohibited Area to be suspended
- Reason for suspension request
- Date and timeframe for suspension.
- Estimated number of people attending the event.
- Where necessary, details of security plan and control measures, including name of the registered security company for the event.
- Certificate documentation of event insurance in respect of a minimum public liability insurance cover.

All applications for suspension or cancellation shall be directed to the NSW Police for comment. Council may consult with other persons, organisations or the Community Safety Precinct Committee where it considers it necessary.

ASSOCIATED POLICIES AND PROCEDURES

- Enforcement Policy
- Body Worn Camera Policy

DEFINITIONS

NIL

POLICY VERSION CONTROL

Title	Alcohol in Public Places			
ECM Doc Set ID	44057			
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Responsible Officer	Manager Environmental Services			
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