

ITEM 7. NEW YEAR'S EVE ALCOHOL MANAGEMENT**FILE NO: S042446-04****SUMMARY**

At its meeting on 3 November 2008, Council endorsed the commencement of a process to consult interested parties, as required by section 644A of the *Local Government Act 1993*, for the proposal to establish a temporary Alcohol Free Zone (AFZ) for George Street, Sydney in the City Central and The Rocks Police Local Area Commands for four days over New Year's Eve celebrations for 2008/09, 2009/10 and 2010/11.

New Year's Eve celebrations, produced by the City of Sydney, are attended by over half a million people in the CBD each year. The City and the State Government manage the sale, possession and consumption of alcohol around the Opera House, Circular Quay, Circular Quay East, the Royal Botanic Gardens and some parts of Circular Quay West. Taking alcohol into these areas is prohibited. Alcohol can only be sold in non-glass containers. As a result, Sydney has consistently had fewer major alcohol-related assaults than other capital cities during new year celebrations.

In 2007, NSW Police reported an increase in alcohol-related assaults in George Street, Sydney during New Year's Eve celebrations. It is not possible to make George Street a managed access area, as there are too many entry points. As a result, on 14 October 2008, the NSW Police Central Metropolitan Region requested the establishment of a temporary AFZ for George Street (between Park and Alfred Streets). Assistant Commissioner Catherine Burn, in her capacity as the coordinator of Police Operations for New Year's Eve celebrations, requested this AFZ, which will cross into two Local Area Commands. The request is aimed at assisting Police in the prevention of alcohol-related violence, anti-social behaviour and crime.

AFZ are established by councils to address irresponsible behaviour arising from the consumption of alcohol. AFZ can only be created on a public road, footpath or in a public car park. AFZ cannot be created in parks or on private land. The locations of AFZ are indicated by signage stating the period for which the AFZ is active and indicative arrows to where the AFZ applies. It is an offence to drink alcohol in an AFZ. AFZ offences are enforced by NSW Police.

The adoption of an AFZ is the means by which Council increases the locations where the consumption of alcohol is prohibited. The AFZ allows Police to confiscate alcohol to prevent the escalation of intoxication which may reduce the need to manage more serious offences through the *Summary Offences* or *Crimes Act*.

Section 644A of the *Local Government Act 1993* and the *Ministerial Guidelines on Alcohol Free Zones* identifies that, after proposing the establishment of AFZ, Council is required to undertake a public consultation process. Councils are required to give proper consideration to any representations, submissions or objections received and as a result, may withdraw a proposal to establish an AFZ.

The City's AFZ consultation process for the proposed temporary AFZ included the publication of a notice of proposal in local media and on the City of Sydney web site. The proposal was sent to the Anti-Discrimination Board, the City Central and The Rocks Local Area Commands and the liquor licensed premises adjacent to the proposed AFZ.

Three submissions addressing the proposed AFZ were received:

- (a) the NSW Anti-Discrimination Board's submission stated that providing the City follows the Ministerial Guidelines on Alcohol Free Zones, the Board has no objection to the establishment of the proposed AFZ;
- (b) The Rocks Police Commander, Superintendent Ken Finch, stated The Rocks Local Area Command strongly supports the application for the temporary AFZ; and
- (c) the City Central Police Commander, Superintendent Mark Murdoch, stated his LAC has no objection to the establishment of the proposed temporary AFZ that includes sections of the City Central Local Area Command.

The NSW Police Central Metropolitan Region, as the applicant for the AFZ, provided the City with Police data, which indicated that alcohol related incidents had taken place in the proposed area during the New Year's Eve celebrations in 2006/07 and 2007/08.

The exhibited AFZ included the section of George Street between The Museum of Contemporary Art and Alfred Street, Circular Quay. The recommended AFZ has been amended to accurately reflect the application received by the NSW Police Central Metropolitan Region, which specifies George Street between Park and Alfred Streets.

This report recommends the establishment of the proposed temporary AFZ for the City Central and The Rocks Local Area Commands from 30 December 2008 to 2 January 2009, 30 December 2009 to 2 January 2010 and 30 December 2010 to 2 January 2011 in George Street, Sydney between Park Street and Alfred Street, Circular Quay.

RECOMMENDATION

It is resolved that Council endorse the establishment of the proposed temporary Alcohol Free Zone for George Street, between Park Street and Alfred Street, Sydney from 30 December 2008 to 2 January 2009; 30 December 2009 to 2 January 2010; and 30 December 2010 to 2 January 2011.

ATTACHMENTS

Attachment A: Map of the proposed temporary AFZ for the City Central and The Rocks Local Area Commands.

Attachment B: Timetable of completed consultation process.

Attachment C: Project plan for alcohol free zone establishment and public notification.

BACKGROUND

1. There are a total of 117 AFZ in the City of Sydney Local Government Area (LGA) across the Surry Hills, Kings Cross, City Central, Redfern, Newtown and Leichhardt Police Local Area Commands (LAC).
2. On 14 October 2008, the Assistant Commissioner Catherine Burn, in her capacity as the coordinator of Police Operations for New Year's Eve celebrations, requested that the City establish a temporary AFZ for George Street, Sydney in order to manage alcohol related impacts on New Year's Eve celebrations.
3. The NSW Police Central Metropolitan Region submitted the AFZ application on 21 October 2008. The application included Police data regarding alcohol related incidents in the proposed area.
4. At its meeting on 4 November 2008, Council endorsed the commencement of the required consultation with interested parties concerning the new AFZ application.
5. The recommendation to adopt the proposed AFZ is based on the Police information about alcohol related incidents submitted with the application and the submissions received during the public exhibition process.

KEY IMPLICATIONS

Strategic Alignment

6. AFZ are only one strategy to address the issue of alcohol-related crime and antisocial behaviour. The City's *Street Drinking Strategy*, *Drug and Alcohol Strategy* and *Late Night Trading Premises Development Control Plan* identify strategies to reduce alcohol-related crime and antisocial behaviour. The City's Public Space Liaison Officer brokers appropriate responses to the needs of vulnerable people as well as the broader public. The City and three Local Area Commands are members of the Sydney Mega Crime Prevention Partnership which has identified additional strategies to reduce alcohol related incidents in the inner city.
7. Two priority areas of the *Drug and Alcohol Strategy* are minimising the impacts from patrons leaving licensed premises who continue to drink in public, and from people drinking in public spaces. AFZ are one tool that assists Council and the Police in the management of these activities.
8. AFZ enable Police to confiscate alcohol to prevent the escalation of intoxication, which may reduce the need to manage more serious offences through the *Summary Offences* or *Crimes Act*. The use of AFZ as a preventative measure is important during the New Year's Eve period, as alcohol-related crime and antisocial behaviour experiences a seasonal increase during this period.

Social / Cultural / Community

9. AFZ aim to reduce alcohol-related crime and antisocial behaviour in identified locations in order to help create a safer environment for residents, businesses and visitors.

10. Nationally, there is widespread public support for measures to reduce alcohol consumption in public spaces. The Australian Institute of Health and Welfare's *2004 National Drug Strategy Household Survey* of 30,000 Australians indicated that 63% of the population supported the use of alcohol free areas to address problems associated with the excessive consumption of alcohol. The results of the 2007 study will be released in October 2008.

Economic

11. The *Ministerial Guidelines on Alcohol Free Zones* note that AFZ locations cannot be selected with the intention to improve tourism or business interests. Once established however, AFZ may impact positively for local business, through reducing the conflict between street drinking, local businesses and residents.

BUDGET IMPLICATIONS

12. The total cost of the establishment process for the proposal is \$6,000 for sign production and the cost of public notification through local media. Funds are available within the 2008/09 operating budget assigned to the Social Policy and Community Support Unit.

RELEVANT LEGISLATION

13. Council must comply with the procedures set out in sections 644 to 644C of the *Local Government Act 1993* and *Ministerial Guidelines on Alcohol Free Zones* to establish an AFZ.
14. *The Local Government Act 1993 Section 642 subsection (1)* states that 'it is the duty of a Police Officer or an enforcement officer who finds a person drinking or is about to drink, or who has recently been drinking, alcohol in an alcohol free zone to warn the person that drinking of alcohol in the zone is prohibited and that alcohol in the person's possession may be confiscated if the person attempts to drink any of it in the zone. A person who has received such a warning under subsection (1) but who, in the same alcohol free zone in which the warning was given, and on the same day: (a) commences to drink alcohol in the zone, or (b) fails to stop drinking in the zone, or (c) resumes drinking alcohol in the zone, is guilty of an offence.' The maximum penalty for an offence under this section is \$22 and the alcohol may be confiscated by the Police Officer.
15. The *Liquor Legislation Amendment Bill 2008* proposes, in part, to amend the *Local Government Act 1993* to:
 - (a) enable Police to confiscate alcohol, without being required to give any warning, from persons who are drinking in AFZ and to tip the alcohol out immediately or otherwise dispose of it; and
 - (b) remove existing penalty notice provisions relating to drinking alcohol in AFZ.

CRITICAL DATES / TIME FRAMES

16. The proposed AFZ are to be established on 30 December 2008. The Ministerial Guidelines on AFZ require that the signage is in the public domain for seven days before enforcement, thus the signage will need to be installed on 22 December 2008.

17. A public notice must be published in local media seven days before the establishment of the AFZ. Should the AFZ be adopted, a notice will be published in local media on 22 December 2008.
18. Timeframes for the installation of signage and public notification for endorsed AFZ is at **Attachment C**.

PUBLIC CONSULTATION

19. A consultation process has been completed with interested parties including liquor licensed venues, Local Area Commands and the NSW Anti-Discrimination Board. This process included a public notice in *The Sydney Morning Herald*, poster and map on display at the Town Hall One Stop Shop and posting on the City's website. The consultation fulfilled all legislative responsibilities under the *NSW Ministerial Guidelines on Alcohol Free Zones*. The Consultation process is detailed at **Attachment B**.
20. Three submissions were received during the consultation process:
 - (a) the NSW Anti-Discrimination Board's submission stated that providing the City follows the Ministerial Guidelines on Alcohol Free Zones, the Board has no objection to the establishment of the proposed AFZ.
 - (b) The Rocks Police Commander, Superintendent Ken Finch, stated The Rocks Local Area Command strongly supports the application for the temporary AFZ.
 - (c) The City Central Police Commander, Superintendent Mark Murdoch, stated his LAC has no objection to the establishment of the proposed temporary AFZ that includes sections of the City Central Local Area Command.

ANN HOBAN

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