

POLICY NAME: DRAFT REVIEW
ALCOHOL REGULATION ON PUBLIC
LAND

POLICY REF: A02

MEETING ADOPTED: 28 January 2010
Resolution No. 280110/25

POLICY HISTORY:



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OBJECTIVE

The objectives of this policy are:

- To provide guidelines on the basis for implementing alcohol regulations on public land
- To provide an authority for the implementation of future changes to alcohol regulation in public areas that may be required to meeting changing conditions.

BACKGROUND

The NSW Government has made clear its determination to tackle the growing problem of anti-social behaviour and alcohol-related violence in our community. The Ballina community has further endorsed this concern regarding public security in a Satisfaction Survey that was carried out by Council.

The excessive consumption of alcohol in public places results in anti-social behaviour and can lead to violence and damage to both private and public property.

In order to assist the Police and respond to the community's requests to manage the problems associated with such behaviour, regulations on the consumption of alcohol in public places have been implemented in Ballina Shire.

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.

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 implemented in the Ballina, Lennox Head, **Wardell** and Alstonville CBDs.

Alcohol Prohibition

Under 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 actions.

Ballina has in place a prohibition on the carrying and or consumption of alcohol in all public areas in the shire from 10.00pm to 7.00am every day.

While Ballina Shire has in place these regulations prohibiting the consumption of alcohol in public places there is a need to adapt to the changing patterns of behaviour and to have in place a more flexible means of adapting to such changes.

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Council also needs to balance the regulation of alcohol in reserves and consider the majority of the community who are responsible in their consumption of alcohol.

DEFINITIONS

Alcohol Free Zone – applies to public roads, footpaths or public car parks that have been declared as Alcohol Free Zones in accordance with the Ministerial Guidelines on Alcohol Free Zones 2009. This declaration prohibits the carrying and consumption of alcohol in these places. Alcohol-free zones are enforced by the Police. This regulation can only apply to roads, footpaths and public car parks.

Alcohol Prohibited – The prohibition of carrying and / or consumption of alcohol in a designated reserve or park which is implemented by resolution of Council under Section 632(2)(e) of the *Local Government Act 1993*. This regulation can not be used to regulate the consumption of alcohol on roads, footpaths and in public car parks.

Public Land – All Council owned or controlled land including Crown land that Council is the Trust manager of and Community and Operation land as classified under the *Local Government Act 1993*.

SCOPE OF POLICY

This policy applies to:

- Community members

RELATED DOCUMENTATION

Related documents, policies and legislation:

- Local Government Act 1993
- Crown Lands Act 1989
- Ministerial Guidelines on Alcohol Free Zones 2009

POLICY

Ballina Council will continue to work with the NSW Police and respond to community concerns with regard to the management of alcohol consumption in public places.

Ballina will have in place Alcohol Free Zones in Ballina, Lennox Head, **Wardell** and Alstonville CBDs and will continue to maintain these Alcohol Free Zones.

Should Alcohol Free Zones be required in other locations in the Shire consideration will be given to such requests and any comments from the NSW Police and a report on such requests will be prepared for consideration by Council.

To assist with the operation of the Alcohol Free Zone in Lennox Head, Ross Park and the **surrounding public reserve** shown in map 4 are **designated** as Alcohol Prohibited areas 24 hours a day every day.

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All sports fields and surrounding reserves are Alcohol Prohibited areas. This declaration will make sporting events more family friendly with the consumption of alcohol limited to areas of the reserve that have been licenced for the sale of alcohol. This declaration will assist the clubs in meeting their licencing obligations with the only alcohol that is consumed at a sporting event must be purchased at the licenced bar and consumed in the licenced area.

Given the changeable nature of public behaviour and in order to respond to changes, Council will provide delegated authority through this policy to the General Manager to put in place Alcohol Prohibition in accordance with Section 632(2)(e) of the *Local Government Act 1993* in locations experiencing problems relating to the consumption of alcohol.

This may involve the imposition of a total prohibition of the consumption of alcohol if deemed necessary.

On nominated days such as Anzac Day, New Years Eve, New Years Day, Australia Day and during special events Council may impose Alcohol Prohibition in a park or reserve where problems have been experienced or to prevent the consumption of alcohol at events where it is deemed inappropriate to consume alcohol.

Such declarations will be for a specific time period and will be removed when the event or holiday has finished. Such declarations will be advertised prior to the date of the alcohol prohibition and details of the prohibition will be sign posted in the reserve.

REVIEW

This Policy is to be reviewed every four years.