

POLICY NAME

Alcohol Free Public Spaces

DATE ADOPTED

30 May 2011

ECM NUMBER

-

REVIEW DATE

June 2020

RELATED DOCUMENTS

-

POLICY NUMBER

PM 002

COUNCIL MINUTE NUMBER

PRC 30 ORD 116

POLICY TYPE

Council

RESPONSIBLE DEPARTMENT

Place Management

Purpose

To provide a policy for the implementation and/or suspension of designated areas within the Penrith Local Government Area (LGA) where the consumption and possession of alcohol is prohibited, thereby promoting responsible social behaviour in designated public spaces.

Policy Statement

Designated locations within the Penrith LGA may be established as areas where it is illegal to consume or possess alcohol.

This can be enacted as an Alcohol Free Zone, created in accordance with Section 644 of the Local Government Act 1993, on public roads and public car parks.

In other areas (e.g. parks, reserves and other public spaces) Council can make it illegal to consume or possess alcohol by erecting a notice in accordance with Section 632A of the Local Government Act 1993. These areas will be known as Alcohol Prohibited Areas.

Scope

This Policy applies to Councillors, Staff and the general public.

ALCOHOL FREE PUBLIC SPACES POLICY

Responsible Department: Public Domain Amenity & Safety
Responsible Section: Community Safety

OBJECTIVE:

To provide a policy for the implementation and/or suspension of designated areas within the Penrith Local Government Area (LGA) where the consumption and possession of alcohol is prohibited, thereby promoting responsible social behaviour in designated public spaces.

INFORMATION:

Designated locations within the Penrith LGA may be established as areas where it is illegal to consume or possess alcohol.

This can be enacted as an Alcohol Free Zone, created in accordance with Section 644 of the Local Government Act 1993, on public roads and public car parks.

In other areas (e.g. parks, reserves and other public spaces) Council can make it illegal to consume or possess alcohol by erecting a notice in accordance with Section 632A of the Local Government Act 1993. These areas will be known as Alcohol Prohibited Areas.

POLICY:

1. ESTABLISHMENT OF AN ALCOHOL FREE ZONE OR ALCOHOL PROHIBITED AREA IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 1993

- 1.1 Penrith City Council shall establish Alcohol Free Zones on public roads and car parks, within the Penrith LGA, in accordance with Section 644 of the Local Government Act 1993.
- 1.2 Penrith City Council shall establish Alcohol Prohibited Areas on other public land, within the Penrith LGA, in accordance with Section 632A of the Local Government Act 1993.
- 1.3 An Alcohol Free Zone or Alcohol Prohibited Area may only be established by resolution of Council.
- 1.4 When Alcohol Free Zones and/or Alcohol Prohibited Areas are established or reviewed by Council, the following information shall be provided.

- Reasons supporting the implementation of the Alcohol Free Zone or Alcohol Prohibited Area;
- Locations of Alcohol Free Zone or Alcohol Prohibited Area;
- Expiration date of an Alcohol Free Zone or Alcohol Prohibited Area;
- Times of day that the Alcohol Prohibited Area will apply;
- List of stakeholders consulted during the implementation process.

2. SUSPENSION OR CANCELLATION OF AN ALCOHOL FREE ZONE OR ALCOHOL PROHIBITED AREA TO ACCOMMODATE A SPECIFIC COMMUNITY EVENT

2.1 Request for the suspension of an Alcohol Free Zone or Alcohol Prohibited Area

2.1.1 All requests for the suspension of an Alcohol Free Zone or Alcohol Prohibited Area, or part thereof, shall be forwarded to Council in writing at least 30 days prior to the proposed suspension period;

2.1.2 All requests for suspension of an Alcohol Free Zone or Alcohol Prohibited Area, shall detail the following information:

- The organisation or individual requesting the suspension;
- The reason for the suspension;
- The section of Alcohol Free Zone or Alcohol Prohibited Area to be suspended;
- The date and timeframe for the suspension;
- Estimated number of people attending the community event;
- The proposed security and control measures to be implemented;
- Council may request a copy of the risk management plan for publicly advertised events.

Council has a standard form available for such requests to be submitted.

2.1.3 Insurance

An applicant seeking approval to suspend an Alcohol Free Zone or Alcohol Prohibited Area, shall provide relevant certificates in respect of a minimum \$10 million public liability insurance cover.

2.2 Request for the cancellation of an Alcohol Free Zone or Alcohol Prohibited Area

2.2.1 All requests for the cancellation of an Alcohol Free Zone or Alcohol Prohibited Area, or part thereof, shall be forwarded to Council in writing.

2.2.2 All requests for the cancellation of an Alcohol Free Zone or Alcohol Prohibited Area, shall detail the following information:

- The organisation or individual requesting the cancellation;
- The reason for the cancellation;
- The section of Alcohol Free Zone or Alcohol Prohibited Area to be cancelled;

Council has a standard form available for such requests to be submitted.

3 DETERMINATION OF APPLICATION FOR SUSPENSION OR CANCELLATION OF ALCOHOL FREE ZONES OR ALCOHOL PROHIBITED AREAS

3.1 Suspension or cancellation of an Alcohol Free Zone shall be as per Section 645 of the Local Government Act 1993, requiring a valid resolution of the Council to suspend a Zone.

3.2 Suspension or cancellation of an Alcohol Prohibited Area shall be determined under delegated authority by the Public Domain Amenity & Safety Manager.

3.3 An application to suspend or cancel an Alcohol Free Zone or Alcohol Prohibited Area shall be forwarded to the Local Police Force for comment;

3.4 An application to suspend or cancel an Alcohol Free Zone or Alcohol Prohibited Area shall be assessed under the following criteria:

3.4.1 Suspension:

- Consideration of comments by the Local Police Force;
- The nature of the event;
- The proposed number of people attending the event;
- The security and control measures to be instigated;
- The timeframe proposed for the suspension of the zone/area;
- Perceived benefits or otherwise to the broader community interests;
- Traffic Management Plan and Event Management Plan if required by Council;

- Insurance coverage;
- Council may undertake any other consultation with relevant stakeholders that it considers necessary.

3.4.2 Cancellation:

- Consideration of comments by the Local Police Force;
- Perceived benefits or otherwise to the broader community interests;
- Council may undertake any other consultation with relevant stakeholders that it considers necessary.

3.5 Suspension of an Alcohol Free Zone, or an Alcohol Prohibited Area for an event in one year, does not apply to the event in subsequent years. Separate applications shall be submitted as required in line with this policy.

3.5.1 Suspension of an Alcohol Free Zone, or an Alcohol Prohibited Area for multiple events, can be made on an annual basis, but does not apply to multiple events in subsequent years. Separate annual applications shall be submitted in line with this policy.

3.6 Following determination of the suspension of an Alcohol Free Zone and the appropriate resolutions of Council, the suspension shall be advertised as per Section 645 of the Local Government Act 1993, and the local Police Force advised.

3.7 Following determination of the suspension of an Alcohol Prohibited Area and the appropriate resolutions of Council, the suspension shall be advertised in a relevant local newspaper, and the local Police Force advised.

3.8 Should the application to suspend an Alcohol Free Zone or an Alcohol Prohibited Area not be successful, the applicant shall be advised in writing, and the local Police Force notified.

4 ENFORCEMENT OF ALCOHOL FREE ZONES AND ALCOHOL PROHIBITED AREAS

4.1 Alcohol Free Zones shall be enforced as per Sections 642, 644, 645 and 648 of the Local Government Act 1993. The Police are responsible for enforcing Alcohol Free Zones.

4.2 Alcohol Prohibited Areas shall be enforced as per Section 632A of the Local Government Act 1993. The Police are responsible for enforcing Alcohol Prohibited Areas.

5 SIGNAGE DENOTING ALCOHOL FREE ZONE OR ALCOHOL PROHIBITED AREA

- 5.1 Alcohol Free Zones and/or Alcohol Prohibited Areas shall be indicated by the erection of signage in accordance with the Ministerial Guidelines on Alcohol-Free Zones and the relevant Sections of the Local Government Act. ie, Sections 644 Alcohol Free Zones and Section 632A Confiscation of Alcohol in certain public and other places.

POLICY ADOPTED

30 May 2011

POLICY TO BE REVIEWED

May 2013