



Burwood
Inc.1874

PROHIBITION OF ALCOHOL IN PUBLIC SPACES POLICY

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Public Document

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Ownership: Community, Library & Aquatic Services - Community Development

Purpose

This policy provides a framework for the implementation of an Alcohol Free Zone (AFZ) or an Alcohol Prohibited Area (APA) within the Burwood Local Government Area (LGA).

Scope

This policy is applicable to Burwood Council and its staff, members of the general public, local organisations and those applying for the establishment of an AFZ or an APA.

Definitions

Alcohol Free Zone (AFZ)	Public roads, footpaths and public car parks, where the consumption of alcohol is prohibited and where alcohol can be possessed but not consumed.
Alcohol Prohibited Area (APA)	Public places, or part of a public place including parks or reserves where the consumption of alcohol is prohibited and where it is prohibited to consume alcohol or possess it with the intent to consume.
Council-Related Event	An event held in partnership with Burwood Council that is of value to the local community.

Objectives

1. Ensure the establishment of an AFZ or APA is in accordance with the Local Government Act 1993.
2. Detail the responsibilities of Council in establishing or suspending an AFZ or APA.
3. Discourage anti-social behaviour and social disruption that can arise from the consumption of alcohol in public places through the establishment of AFZs and APAs.
4. Maintain a balance between the community benefits of alcohol consumption in public places and the costs associated with alcohol-related harm and anti-social behaviour.

Establishment of an AFZ or APA

According to the Local Government Act 1993, an AFZ or APA may only be established by resolution of Council. An AFZ is for a specified timeframe (in years), whilst an APA is usually ongoing. In accordance with the Office of Local Government Ministerial Guidelines on Alcohol Free Zones and best practice, the following information needs to be considered by Council when establishing an AFZ or APA:

- Proposed location
- Reasons for making the request: i.e. details of the anti-social behaviour and social disruption arising from the consumption of alcohol in specific public places
- Proposed times each day that the APA will apply (noting that AFZs are all 24/7)
- Expiration date of the AFZ
- The outcome of public consultation about the proposal
- Local Police Area Command feedback
- For AFZs, a list of businesses and organisations consulted and their feedback

With regard to the consultation process, Council will undertake the following as a minimum:

- Publish a public notice of the proposal in accordance with section 644A of the Local Government Act 1993
- Allow inspection of the proposal and invite representations or objections within 14 days from the date the notice is published

- Send a copy of the proposal to the Local Area Police Command
- For AFZs, send a copy of the proposal to liquor licensees and secretaries of registered clubs whose premises border on, adjoin or are adjacent to the area concerned

An 'Application to Establish an Alcohol Free Zone' form can be found in Appendix B and will be available on the Council website. Applicants can include people living or working in the area, the local police, a representative of a local community group or the Council.

In accordance with section 644B of the Local Government Act, once Council has established an AFZ or APA it will notify the public of this information.

Current APAs & AFZs

As at the most recent review of the policy (November 2019), there were five APAs in place and no AFZs in the Burwood LGA.

The APAs are at the following locations:

- Burwood Park
- Woodstock Park
- Russell Street Reserve
- Reed Reserve
- Martin Reserve

Each APA has a timed alcohol restriction of between 6.00pm and 8.00am. The locations are shown on the map shown in Appendix A.

There are no AFZs in place as there have been no serious alcohol-related issues identified in Burwood's streets.

Notices / Signage

An AFZ or APA shall be indicated by the erection of notice on a sign in accordance with Sections 632A, 644 and 670 of the Local Government Act 1993 and the Ministerial Guidelines on Alcohol Free Zones.

Signage for an AFZ must be clearly legible and contain, as a minimum, the information shown in the following sample.



** insert appropriate directional arrow or map*

Signage for APAs must be conspicuous and state that the drinking of alcohol is prohibited in the area and specify the times in accordance with the declaration by which the area was established. This signage will be similar in style to the AFZ.

As a minimum, signs will be placed at the outer limits of the zone or area, at the site of specific trouble spots and at reasonably frequent intervals within the zone or area. Where the area concerned is the whole of a parcel of public land, signage must be exhibited at each entrance to the parcel of public land or in a conspicuous place in or in the vicinity of the parcel of public land. Where it relates to a part only of a parcel of public land it must be exhibited at each entrance to that part or in a conspicuous place in or in the vicinity of that part.

Signage must comply with the above conditions to be enforceable.

Enforcement

A person who fails to comply with the terms of an AFZ or APA notice erected by the Council may be guilty of an offence. Any person caught consuming alcohol in a designated AZF or APA may have their alcohol confiscated and tipped out.

Police are responsible for enforcing an AZF or APA. If a person does not cooperate with the Police they can be charged with obstruction under section 660 of the Local Government Act 1993 which carries a financial penalty.

Suspension of an APA or AFZ

Under section 645 of the Local Government Act 1993, Council has the authority to temporarily suspend an APA during its period of operation for a Council-run event or for Council-related activities.

An AFZ may also be temporarily suspended to allow a specific event or activity to take place.

The process for seeking a temporary suspension is as follows:

- The application must be submitted in writing to Council at least 90 days prior to the proposed event or activity and include details of how the applicant will manage alcohol consumption and mitigate its impacts.
- An application can only relate to a specific event. Separate applications must be submitted for any other events
- Applications are subject to a non-refundable processing fee in accordance with Council's Schedule of Fees and Charges
- The Local Police Area Command must be notified of all applications with an opportunity to provide comment and must also be notified of the outcome of the application
- Approval of the application must be by way of a resolution of Council.
- If the application is approved, Council will publish a notice of the event or activity in a manner deemed likely to bring it to the notice to the attention of the public, particularly those who may be directly affected.

Related Information

Legislation

- *Local Government Act 1993*
- *Law Enforcement Powers and Responsibilities Act 2002*

Other Relevant Documents

- *OLG Ministerial Guidelines on Alcohol Free Zone (2009)*

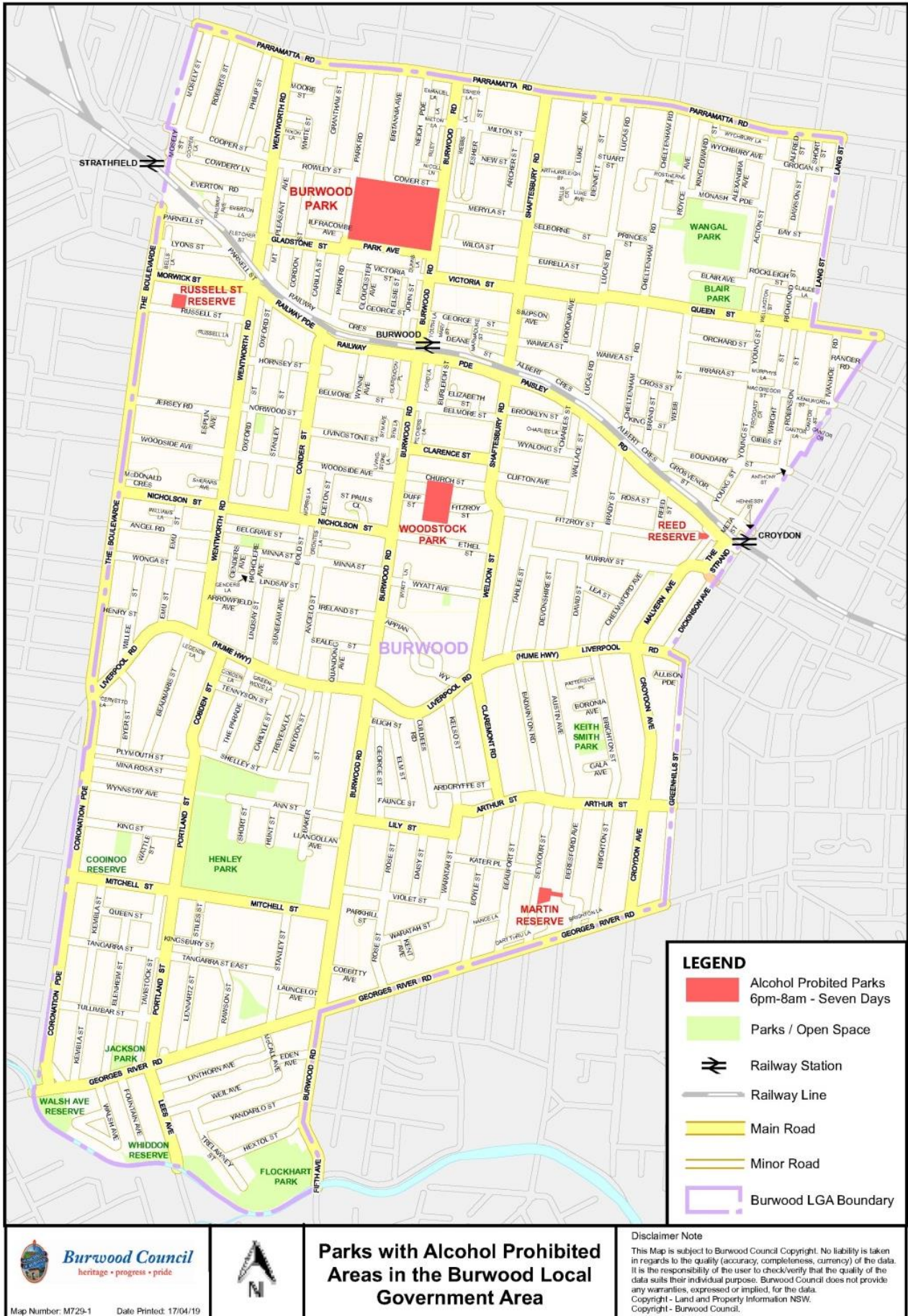
Review

Every four years.

Responsibility

Community, Library and Aquatic Services - Community Development

Appendix A – Map showing APAs in the Burwood LGA as at November 2019



Appendix B – Application for the Establishment of an Alcohol Free Zone form

**APPLICATION TO ESTABLISH AN ALCOHOL FREE ZONE
(Local Government Act 1993, Section 644)**

To Burwood Council

1 I
(Full Name)

2 Of
(Address)

Email addressPhone No.....

3 Being (tick the appropriate box):

A person living in the Burwood Local Government Area

A person working in the Burwood Local Government Area

Business Name:.....

Address:.....

A representative of a community group the Burwood Local Government Area

Group Name:.....

Address:.....

A police officer stationed at

4 Hereby apply to Council to establish an Alcohol Free Zone

5 At the following road(s) (including footpaths) or public carpark

.....
(Specify exact location)

6 For the following reasons

.....
.....

(Provide details of alcohol related problems, including dates, times and police event numbers where possible)

Signed..... Dated.....

Submit completed form to Council@burwood.nsw.gov.au or by post to PO Box 240 Burwood 1805.
Any supporting documents may be attached. Enquiries to Council at 9911 9911.