



KEMPSEY
Shire Council

DIRECTOR SHIRE SERVICE'S REPORT

13 September 2005

DSS3 ALCOHOL FREE ZONES
FILE: * CJL

SUMMARY:

Reporting on the policy on Alcohol Free Zones



Kempsey Shire has six Alcohol Free Zones that were established between 1993 and 2001, four of which have now expired. The zones are valid for three consecutive years.

Alcohol Free Zones are a method of controlling alcohol consumption in public roads. Alcohol Restricted Areas restrict consumption of Alcohol in public reserves.

The Community Safety Council has been considering the issue of Alcohol Free Zones and Alcohol Restricted areas in Kempsey Shire.

Four of the six Alcohol Free Zones are included in Council Policy C21:5 Consumption of Alcohol in Public Reserves and all these zones expired in September 2004. Community Safety Council recommended that policy C21:5 be reviewed and revised. However no recommendation has been made about renewing the expired Alcohol Free Zones.

The zones in Policy C21:5 are:

Kempsey CBD (24 hours) covering the following area: -

Smith Street from Belgrave Street to Woolworths carpark
Belgrave Street from Eden Street to Stuart Street
Clyde Street from Belgrave Street to Forth Street
York Lane from Forth Street to Belgrave Street

Greenhills (24 hours) covering the following area: -

River Street from Nancy Ellis Street to Marramah Place
Marramah Place, Frank Archibald Street, Dunghutti Place, Lionel Rose Street, Dave Sands Street, Nancy Ellis Street

South West Rocks (24 hours) covering the following area: -

Livingstone Street from Ocean Drive to Memorial Avenue
Prince of Wales Avenue from Paragon Avenue to Livingstone Street
Gregory Street from Paragon Avenue to Livingstone Street
Paragon Avenue from Gregory Street to Memorial Avenue
Memorial Avenue from Paragon Avenue to Livingstone Street

Smithtown (11.00p.m. to 6.00a.m.) covering the following area: -
Fitzgerald Avenue from Fitzgerald Avenue (adjacent to hotel carpark)
On the foreshore to Croads Esplanade including the wharf and boatramp

Zones on file and sign posted, but not included in the Policy are:

West Kempsey (expired March 05)

- Leith St between Sea and Cochrane St
- Cochrane St between Leith St and North St
- North St between Cochrane St and Sea St
- Gordon Nixon Avenue
- Keith Moses Cres
- Milton Barnett St
- Eric Kennedy St
- Roscoe Turner St
- George Hardiman St

South Kempsey (expires April 2006)

- Middleton St from Railway line to Horatio Braham Pl
- Gowings Hill Road from Horatio Braham Pl to Maria St
- Bloomfield St from Railway line to West St
- Nicholson St from Queen St to West St
- Yarravel St from Railway Line to Queen St
- Reginald Ward St
- Harry Boyes Avenue
- Railway St
- Queen St from Gills Creek to Bloomfield St
- Robert Eggins St
- Albert St from Reginald Ward St to Bloomfield St
- Vernon St
- West Street from South St to Theresa St
- Francis Smith Pl
- Chifley Pl
- Horatio Braham Pl

The delay in reviewing the re-establishment of the Alcohol Free Zones has been caused by considered discussion about the effectiveness of the Zones at the Community Safety Council. Consultation and research has show that Alcohol Free Zones have ineffectual penalties, are difficult to Police and are not a deterrent.

Renewal of the zones requires repeat of establishment procedures. The process takes approximately 2 months from a Council Resolution to renew the zone until the amended signs are in place.

Alcohol Free Zones may only be established to include a public road or a public place that is a car park. The zones are considered to be a

method of control of socially unacceptable or criminal behaviour, but are most effective if they are part of a larger program targeting irresponsible and inappropriate consumption of alcohol. "Used in isolation they may only move the problem from one place to another" (Ministerial Guidelines on Alcohol Free Zones).

When all the legislative requirements are met, Council can then resolve to establish / re-establish the zone and the resolution itself will establish the zone.

Important issues to consider:

- The Police have indicated on many occasions that the legislation is ineffectual, difficult to enforce and that the fines imposed are often not in accordance with the amount of policing and paperwork involved.
- The Mid North Coast Local Area Command does not support Alcohol Free Zones
- Many of Kempsey's zones have been in place for over 10 years and Council needs to assess if the zones are still relevant and necessary.
- Alcohol Free Zones should be used to eliminate an existing problem, not to prevent one that may occur.
- Instances of alcohol related criminal behaviour and antisocial behaviour are falling according to Police. Street drinking in the Kempsey CBD and South West Rocks has also decreased. Street drinking in Greenhills and West Kempsey is still occurring and the Alcohol Free Zones do not seem to pose a deterrent.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Restriction of consumption of alcohol in streets is intended to assist to control alcohol related anti social behaviour and criminal behaviour. This, in turn, assists to ensure that residents and visitors can enjoy using the Shire's public reserves without being disturbed by the inappropriate behaviour of others. It should be noted that this does not restrict antisocial and criminal behaviour associated with alcohol consumption in homes, licensed premises and private property.

- ***Economic (Financial)***

Conducting consultations and preparing the proposal to renew / establish Alcohol Free Zones will have associated labour costs.

If renewals / establishment of Alcohol Free Zones is approved, approximate cost to make and erect each sign is \$120. One sign will be required at the recognised entry point of each public reserve (minimum signage requirement). There will also be advertising costs of approximately \$200 - \$300 dollars.

- *Policy or Statutory*

Council Policy No C21:5 " Consumption Of Alcohol On Public Reserves" applies and will be updated as required.

- *Director's Review*

The need for Alcohol Free Zones is reducing and the cost of signage and erection brings into question their efficiency. Community consultation, through the proposed Social Strategic Planning committee, will confirm the need for renewal or establishment of Alcohol Free Zones.

RECOMMENDATION:

That the need for Alcohol Free Zones in Kempsey Shire be assessed via community and stakeholder consultation.

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K J Finnie
DIRECTOR SHIRE SERVICES