



KEMPSEY
Shire Council

DIRECTOR SHIRE SERVICE'S REPORT

13 September 2005

**DSS4 CONSUMPTION OF ALCOHOL ON PUBLIC RESERVES
POLICY
FILE: * CJL**

SUMMARY:

Reporting on updated policy with respect to the consumption of alcohol on Public Reserves.



The Community Safety Council has been considering the issues of Alcohol Free Zones and Alcohol Restricted Areas since October 2004. At the meeting of the Community Safety Council on 23rd November 2004 the following recommendation was made:

That Council review the "Consumption of Alcohol on Public Reserves" policy no. C21:5, in accordance with the Local Government Act (S632) and erects signage accordingly."

The current Policy lists both Alcohol Free Zones and Alcohol Restricted areas. This has led to confusion and instances of incorrect signage being erected. It is proposed to write separate policies for Alcohol Free Zones and Alcohol Restricted Areas to avoid confusion. This is also appropriate as the two styles of restriction are regulated by different legislation.

Policy C21:5 has been reviewed and revised and is included below for consideration.

Consumption of Alcohol on Public Reserves (Draft Policy)

OBJECTIVES

To provide a system of control over alcohol consumption by persons at Public Reserves within the Shire.

POLICY STATEMENT

- 1 Consumption and taking of alcohol into any public reserve in Kempsey Shire is prohibited between 10pm and 10am.

Signage advising of these restrictions should read:

**The unauthorised consumption and possession of alcohol on this reserve after 10pm on one day and before 10am the following day is prohibited under s632 Local Government Act 1993, unless permitted by Council.
Maximum Fine \$550**

- 2 Consumption and taking of alcohol is prohibited at all times in the following areas:-
 - a. Riverside Park, Kempsey, extending from a point 300 metres downstream of Forth Street to a point 50 metres upstream of Austral Street.
 - b. Services Clubs Park
 - c. South Kempsey Park
 - d. Clyde Street Mall
 - e. The Park in Queen Street, opposite Yarravel Street, South Kempsey.
 - f. Chappel Park

Signage advising of these restrictions should read:

**The unauthorised consumption and possession of alcohol on this reserve is prohibited under s632 Local Government Act 1993, unless permitted by Council.
Maximum Fine \$550**

- 3 Persons may not take alcohol into Verge Street No. 1 Oval Complex. (Alcohol may be sold and the ground)

Signage advising of these restrictions should read:

**The taking of alcohol onto this reserve is prohibited under s632 Local Government Act 1993, unless permitted by Council.
Maximum Fine \$550**

Notwithstanding these provisions, the General Manager may issue permits to persons and / or organisations allowing the consumption and taking of alcohol in these areas for any reasonable social purpose and/or entertainment.

The revised policy details control of consumption of alcohol in Public Reserves in the Shire. The revised policy has been written in consultation with the Police, Council's Insurance and Public Liability advisor and the Community Safety Council.

Restriction cannot be enforced without signage. It is suggested that signage be initially erected on existing Alcohol Restricted Areas and then erected on an as needs basis dependent on available funding.

The Mid North Coast Local Area Command is encouraging consistency among local government areas within the command, which assists them to carry out their duties more effectively. The revised policy and signage is in accordance with instruction from the Command.

Section 5 of the original policy C21:5 detail some of the Alcohol Free Zones in the Shire. The zones in the policy have expired and this issue is discussed in a separate report.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Restriction of consumption of Alcohol in Public Reserves is intended to assist to control alcohol related anti social 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. The restriction of consumption of alcohol increases community safety and reduces the fear of crime and anti social behaviour.

- ***Economic (Financial)***

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.

Council has provided a vote within the Budget for Crime Prevention Program an costs will be drawn from this provision.

- ***Policy or Statutory***

Policy No C 21:5 " Consumption Of Alcohol On Public Reserves"

*Local Government Act 1993 - Sect 632
Acting contrary to notices erected by councils*

- ***Director's Review***

Council is urged to support the recommendation.

RECOMMENDATION:

That Policy No. C21:5 "Consumption of Alcohol on Public Reserves" be amended as per the draft policy submitted for consideration with this report.

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K J Finnie
DIRECTOR SHIRE SERVICES