

# ALCOHOL FREE PUBLIC SPACES POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Regulatory Compliance
<b>Responsible Officer:</b>	Manager Regulatory Compliance

## Objective

To provide a framework and set of guidelines for the implementation and suspension of designated areas where the drinking of alcohol is illegal, within the revenue space Narrabri Shire Council.

## Introduction

Section 644 of the *Local Government Act 1993* (NSW) permits Council to establish designated areas where it is illegal to drink alcohol in the Narrabri Shire Council a on public roads and public car parks.

In other areas, e.g. parks, reserves and other public spaces, sections 632 and 670 of the Act permit Council to make it illegal to drink alcohol by erecting a notice. For the purpose of this policy these areas will be known as Alcohol Free Areas as they do not comply with the official definition of an Alcohol Free Zone as defined in the *Local Government Act 1993* (NSW).

## Policy

### 1. Establishment of an Alcohol Free Zone or Alcohol Free Area in Accordance with the *Local Government Act 1993* (NSW)

- 1.1. Narrabri Shire Council shall, from time-to-time, establish Alcohol Free Zones on public roads and car parks, within the Narrabri Local Government Area, in accordance with Section 644 of the *Local Government Act 1993* (NSW).
- 1.2. Narrabri Shire Council shall establish Alcohol Free Areas on other public land, within the Narrabri Shire Council Local Government Area, in accordance with Section 632 of the *Local Government Act 1993* (NSW).
- 1.3. An Alcohol Free Zone or Alcohol Free Area may only be established by resolution of the Council.

### 2. Suspension or Cancellation of an Alcohol Free Zone or Alcohol Free Area

#### Request for the suspension of an Alcohol-Free Zone or Alcohol-Free Area

- 2.1. All requests for suspension of an Alcohol-Free Zone or Alcohol-Free Area, or part thereof, shall be forwarded to Council in writing at least 60 days prior to the proposed suspension period;
- 2.2. All requests for suspension of an Alcohol-Free Zone or Alcohol-Free Area, shall be accompanied by a non-refundable lodgement fee;
- 2.3. All requests for suspension of an Alcohol-Free Zone or Alcohol-Free Area, shall detail the following information:
  - (a) The organisation requesting the suspension;
  - (b) The reason for the suspension;
  - (c) The section of the Alcohol-Free Zone or Alcohol-Free Area to be suspended;
  - (d) The date and timeframe for the suspension;

- (e) Estimated number of people attending the event; and
- (f) The proposed security and control measures to be implemented, including the name of the registered security company they propose to use for the event. Council has a standard form available for such requests to be submitted.

#### **Insurance**

- 2.4. An applicant seeking approval to suspend an Alcohol-Free Zone or Alcohol-Free Area, shall provide relevant certificates in respect of a minimum \$20 million public liability insurance cover.

### **3. Determination of Application for Suspension of Alcohol Free Zones or Alcohol Free Areas**

- 3.1. Suspension of an Alcohol Free Zone shall be as per Section 645 of the *Local Government Act 1993* (NSW), requiring a valid resolution of the Council to suspend a Zone.
- 3.2. Suspension of an Alcohol Free Area shall require a valid resolution of the Council to suspend the notice designating an Alcohol Free Area.
- 3.3. An application to suspend an Alcohol Free Zone or Alcohol Free Area, shall be forwarded to the Local Police Service for comment.
- 3.4. Applications to suspend an Alcohol Free Zone or Alcohol Free Area shall be assessed under the following criteria:
  - (a) Consideration of comments by the Local Police Service;
  - (b) The nature of the event;
  - (c) The proposed number of people attending the event;
  - (d) The security and control measures to be instigated;
  - (e) The timeframe proposed for the suspension of the zone;
  - (f) Perceived benefits or otherwise to the broader community interests.
  - (g) Traffic Management Plan and Event Management Plan if required by Council.
- 3.5. Suspension of an Alcohol Free Zone, or suspension of the notice designating an Alcohol Free 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.
- 3.6. 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 Service advised.
- 3.7. Following determination of the suspension of the notice designating an Alcohol Free Area and the appropriate resolutions of Council, the suspension shall be advertised in a paper circulating in the district where the Alcohol Free Area has been suspended, and the local Police Service advised.
- 3.8. Should the application to suspend an Alcohol Free Zone or suspend the notice designating an Alcohol Free Area not be successful, the applicant shall be advised in writing, and the local Police Service notified.

### **4. Enforcement of Alcohol Free Zones and Alcohol Free Areas**

- 4.1. Alcohol Free Zones shall be enforced as per Sections 642, 647, 648 and 649 of the *Local Government Act 1993* (NSW), the Police are responsible for enforcing Alcohol Free Zones.
- 4.2. Alcohol Free Areas shall be enforced as per Section 632 of the *Local Government Act 1993* (NSW); the Police are responsible for enforcing the notices erected by Council.

## 5. Signage Denoting Alcohol Free Zone or Alcohol Free Area

5.1. An Alcohol Free Zone shall be indicated by the erection of a sign as follows:

*"Alcohol Free Zone*

*For the period*

*Dd/mm/yy*

*To*

*DD/mm/yy*

*Pursuant to Section 644C*

*Local Government Act 1993 (NSW)*

*By Order: General Manager*

*Narrabri Shire Council"*

5.2. An Alcohol Free Area shall be created by erecting a notice in accordance with section 632 & 670 of the *Local Government Act 1993 (NSW)*, stating:

*"Narrabri Shire Council*

*Notice to the Public*

*No intoxicating liquor is to be taken onto or consumed on any portion of this reserve without Council consent.*

*Pursuant section 632 Local Government Act 1993*

*By Order: General Manager*

*Narrabri Shire Council"*

The word reserve may need to be substituted from time to time by more relevant wording, e.g. park, lake foreshore, etc., to properly reflect Council's resolution.

## References

- *Local Government Act 1993 (NSW)*.
- *Local Government (General) Regulation 2021 (NSW)*.

## History

<b>Minute Number</b>	<b>Meeting Date</b>	<b>Description of Change</b>
602/2001	December 18, 2001	Adopted
292/2007	May 15, 2007	Adopted
316/2009	April 21, 2009	Reviewed
26/2012	February 21, 2012	Reviewed
210/2013	April 2, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	June 2, 2020	Rebranded
336/2022	October 18, 2022	Adopted