



NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that of a meeting of the **COMMUNITY SAFETY AND PLACE MANAGEMENT COMMITTEE** will be held:

DATE: Thursday 10 April 2013

TIME: 8.00am – 10.00am

PLACE: Councillors Room, Manly Council

COMMITTEE MEMBERS:

Councillors

Councillor Jean Hay AM, Mayor
Councillor Barbara Aird
Councillor Hugh Burns

Councillor Alan Le Surf
Councillor Candy Bingham
Councillor Steve Pickering

Other Representatives

Superintendent Dave Darcy
Mike Baird
Melissa Palermo
Malcolm Pearce
Jacquiline Smith
Gerard Dore
Wade Mitford
Sidar Demirbag
Amanda Watkins
Stuart Sprott
Ray Mathieson
Drew Johnson
Deb Paternall
Hania Norman
Cam Wall

Manly Police
NSW Member for Manly
Northern Beaches Health Promotion
Corrections NSW
Manly Community Centre
Manly Liquor Accord
State Transit Authority
Late Night Food Traders representative
Manly Drug Education & Counselling Centre
Community member
Community member
Manly Chamber of Commerce
Street Pastors
The Corso Precinct
Manly Youth Council representative

Council Staff

Leanne Martin
Anita Ugarkovic
Eric Poulos

Community Safety Coordinator
Manager, Regulatory Services
Manager, Community Services

All other Councillors are free to attend as observers and are invited to do so and to engage in discussions, but not in voting, on any matter before the Committee.

Kathryn Fayle

Divisional Manager, Human Services & Facilities

Date: 31 March 2014



AT MANLY COUNCIL CHAMBERS, 1 BELGRAVE STREET, MANLY

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| ITEM 1 | Apologies and leave of absence |
| ITEM 2 | Declarations of Interest – Pecuniary
Non- Pecuniary |
| ITEM 3 | Confirmation of Minutes of Meeting held on 13 March 2014 and
Matters Arising |
| ITEM 4 | Police Report |
| ITEM 5 | Rangers Report |
| ITEM 6 | Market Lane Saturday Report - presentation |
| ITEM 7 | Alcohol Free Zone Report |
| ITEM 8 | Correspondence |
| ITEM 9 | General Business brought to the Attention of the Chair Prior to the
Meeting and Approved for Consideration |
| ITEM 10 | Date for Next Meeting – 8 May 2014 |



TO: Manly Community Safety and Place Management Committee
MEETING DATE: Thursday 10 April 2014
AUTHOR: Leanne Martin, Community Safety Coordinator
SUBJECT: Item 7: Re-establishment of Manly CBD Alcohol Free Zone (AFZ)

1. Introduction

This report provides discussion and background information on the legal obligation and process involved in reviewing the Alcohol Free Zone (AFZ) in the Manly CBD for a further four years from 11 July 2014. The re-establishment procedure provides Council with the opportunity to review the issues surrounding street drinking and how this is being addressed and an opportunity to concurrently assess any changes required with the Alcohol Prohibited Areas (APA).

2. Information

The AFZ in Manly covers an area in the CBD as per Attachment 1. The difference between an AFZ and APA is explained in Attachment 2. The intention of an AFZ is to combat anti-social behaviour and to address community concern for specific locations. The AFZ has been in place in the CBD for about 16 years with some location extensions following previous reviews. Since the last review in July 2010 a couple of changes which impact on this area have occurred:

1. The Local Government Act has been amended to provide consistent enforcement powers for both Alcohol Free Zones and Alcohol Prohibited Areas.
2. Police have been acceded greater 'Move On' powers to deal with and/or to prevent anti-social behaviour in public spaces.

Ministerial Guidelines on Alcohol-Free Zones (Feb 2009)

Some important points to consider from the Ministerial Guidelines on AFZs:

Because an AFZ will impose restrictions on the personal freedom of citizens, a proposal to establish (or re-establish) a zone must adequately address the following matters:

Reasons for supporting AFZs must be included and must reflect the fact that irresponsible behaviour arising from the consumption of alcohol is occurring – this could involve instances of obstruction, littering, the actual commission or prevention of various offences.

It is not appropriate to consider an AFZ for reasons that are unrelated to the irresponsible behaviour of drinkers, for example the congregation of drinkers where irresponsible behaviour does NOT occur, general conduciveness to business or tourist activities or the personal beliefs of particular citizens. Generally AFZs should be as small as possible and must only extend to areas that can be supported by reasons.

Large AFZs need to be established in a way which is complementary with public places signposted under section 632 of the Local Government Act (ie. APAs). It is not usually appropriate to establish an entire local government area, or a substantial part of that area, as an alcohol-free zone. Similarly it would usually be inappropriate to zone the greater part of a town, suburb of urban area as alcohol-free.

AFZ should primarily be located adjacent to outlets supplying alcohol where drinkers congregate or known hot spots for inappropriate street drinking.

Under S644B(4) of Local Government Act, the evaluation criteria that councils should use when considering the re-establishment of an alcohol free zone should include the following:

- What were the factors which originally supported a zoning in that area?
- How successful was the previous AFZ in achieving a reduction in unacceptable street drinking?
- What do police statistics indicate about the value of re-establishing an AFZ in that area?
- What other measures may need to be considered (eg. A community education program) if unacceptable street drinking is still of concern in that area?
- Has the community's perceptions of safety improved?

Consultation Process

Manly Council will undertake the following consultation process in accordance with the Ministerial Guidelines on Alcohol Free Zones to re-establish the AFZ:

- Evaluation of the current AFZ to include comment from this Committee, Rangers, Manly Police.
- Placement of notice in the Manly Daily and Council website in April 2014 that states
 - o The boundaries and purpose of the AFZ
 - o The proposal to re-establish for 4 years to be in effect at all times
 - o A copy of the proposal to be viewed on Council website or at Customer Service counter
 - o Representations and objections from persons and groups within the area invited to be made within 30 days.
- A copy of the proposal will be sent to key stakeholders including precincts, Police Commander and liquor licensees that border on the AFZ. Any representations or objections must be made within 30 days.
- All representations will be considered bearing in mind that any proposal to increase the location must be supported by valid reasons.
- A report will be written for Council consideration in June 2014.
- Following a resolution of Council to re-establish the AFZ a public notice will be placed in the Manly Daily and on Council website.
- All existing AFZ signage will be updated with amended dates and consider any additional signage.
- Council will then promote the areas on its website and promote through its various networks and media.

Committee Considerations

The committee also needs to consider the following:

- Is the existing AFZ adequate and are any changes necessary?
- Do recent, additional 'Move On' police powers reduce the need for the APAs or AFZs?
- Do Manly Council Rangers still have enforcement powers under the Act?

- Is there any value in time limiting some Alcohol Prohibited Areas in line with other Northern Beaches councils to enable responsible consumption of alcohol in public places?
- Does the existence of an APA help or hinder waste management?

3. Recommendation

That Council re-establish the Alcohol Free Zone in the Manly CBD for a period of 4 years.

Leanne Martin
Community Safety Coordinator
Manly Community Safety and Place Management Committee
1 April 2014

Attachment 1: Map of current Alcohol Free Zone and Alcohol Prohibited Areas in Manly

Attachment 2: Manly Council community poster on AFZs and APAs.

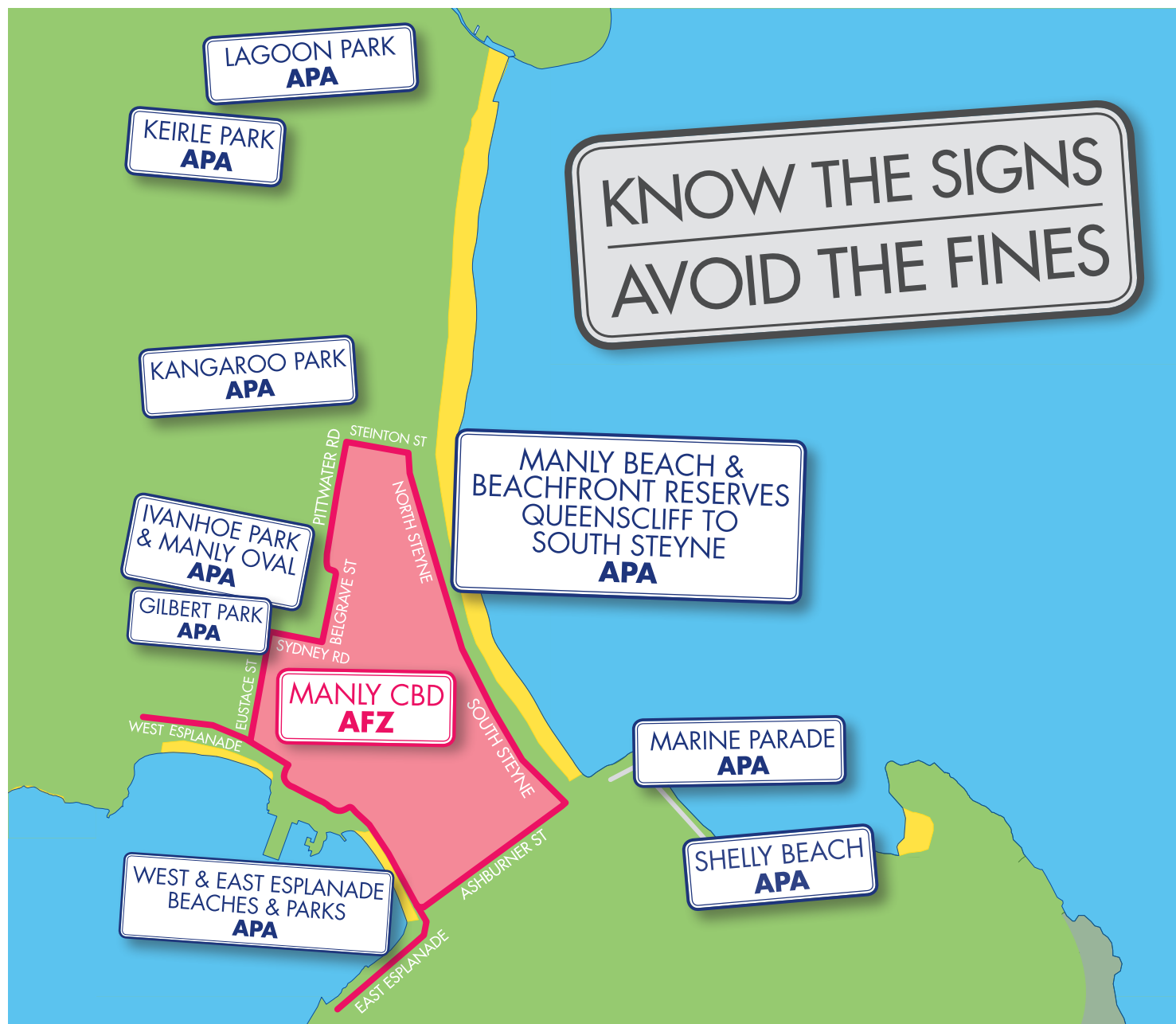
MANLY ALCOHOL FREE ZONE (AFZ) & ALCOHOL PROHIBITED AREA (APA)



AFZ Alcohol Free Zone (24 hrs)



APA Alcohol Prohibited Area (24 hrs)



ALCOHOL FREE ZONE (AFZ) & ALCOHOL PROHIBITED AREA (APA)

Where are these alcohol restricted locations?

The **AFZ** applies to the public roads, footpaths and carparks of Manly's CBD as shown on the map.

APAs apply to ALL parks, ovals, beaches and reserves signposted as alcohol prohibited in Manly and surrounding suburbs, including those shown in the map.

What does this mean for me?

It is illegal to consume alcohol in either the AFZ or an APA, and this applies 24 hours a day, 7 days a week.

Why does Manly have alcohol restricted locations?

In order to reduce anti-social behaviour which may occur due to excessive consumption of alcohol, Council has established and signposted alcohol restricted locations throughout Manly. The AFZ and signposted APAs have been in place for several years.

Why do the alcohol restricted locations have different names?

Both the AFZ and APAs are referred to under different Sections of the Local Government Act 1993, so they must be established, managed and signposted differently: an AFZ can only apply to a built up area such as the CBD, whereas APAs can be designated by signpost for all other areas, such as parks, ovals, beaches and reserves.

What happens if I choose to drink alcohol in these locations? Enforcement of both the AFZ and the APAs is now consistent. If you are found drinking in the AFZ or an APA, your alcohol may be confiscated and tipped out.

Who enforces the restrictions? NSW Police, Council Night Rangers and Authorised Officers of Council.

Is there a fine? If you refuse to hand over your alcohol you may be charged with obstruction, which carries a maximum penalty of \$2,200.

