



RESPONSE TO MANAGE RISK AND HARM FROM ALCOHOL CONSUMPTION IN PUBLIC SPACE

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1. PURPOSE

- 1.1 To update Councillors on the alcohol restrictions along the St Kilda Foreshore made under CEO delegation due to public safety risks, to seek endorsement to continue the trial ban along the St Kilda Foreshore to 3 April 2018 and to utilise the criteria presented in this report to evaluate alcohol bans introduced in public spaces along the foreshore.

2. EXECUTIVE SUMMARY

- 2.1 The St Kilda foreshore is enjoyed by residents and is a tourist destination. The proposed alcohol ban along the St Kilda Foreshore is intended to assist Council to achieve its vision of 'we are beautiful, liveable, caring, inviting, bold, real' by balancing the ability of people to enjoy our foreshore and city whilst protecting public safety.
- 2.2 Our foreshore and public spaces are easily accessible and attractive locations for people to congregate in large numbers and consume alcohol. On 25 December 2017, Council needed to manage the consequence of a party at South Beach Reserve. The unauthorised event resulted in anti-social behaviour and a large clean-up operation costing Council \$23,000. The remediation activities were unbudgeted and a burden on the rate dollar.
- 2.3 There have been incidents requiring large clean-up operations, closure of parks and beaches, harm to people and damage to property as a result of alcohol fuelled gatherings.
- 2.4 Residents, St Kilda Traders (Luna Park, Stokehouse, Donovans and Seabaths), St Kilda Tourism and Events, Victoria Police, Port Phillip Licensees Association, St Kilda McDonalds and Lifesaving Victoria have written to Council recommending that that the City of Port Phillip place a permanent ban on alcohol on the foreshore within the municipality.



- 2.5 The proposed extension of current alcohol restrictions gives Council an opportunity to continue assessment of the trial and engage our community prior to any consideration of ongoing alcohol restrictions.

3. RECOMMENDATION

That Council:

- 3.1 Notes that there is a limited evidence base to inform a long term policy option therefore officers have developed criteria to assess options to extend the current trial and evaluate the effectiveness of the trial to inform any future decisions on alcohol restrictions.
- 3.2 Implement Option Three - Extend the alcohol and glass restriction on St Kilda Foreshore until after the Easter long weekend, 3 April 2018. Foreshore is defined waters and Crown land within the Municipal boundary up to the adjoining road and includes all beaches, reserves and parkland from Langridge Street (Marina Reserve) to Wordsworth Streets (West Beach) St Kilda.
- 3.3 Requests Officers to undertake community engagement and consider additional options to protect and enhance the liveability, vibrancy and safety of the foreshore. Including CCTV on our foreshore, liquor outlet controls, backpacker establishment forum, additional summer rangers, increased service levels for waste and the permitting of events on public holidays.
- 3.4 Presents the results at a future Council meeting of both the trial and the additional actions as per 3.3.

4. KEY POINTS/ISSUES

Why consider an alcohol restriction?

- 4.1 To deliver our vision '*we are beautiful, liveable, caring, inviting, bold, real*' we need to balance the ability of people to enjoy our foreshore and city with public safety.
- 4.2 This summer our municipality has experienced higher risks incidents to public safety requiring increased Council and Victoria police services.
- 4.3 Traders have raised concerns of reputational damage, safety issues, impact to patrons and that alcohol is impacting the amenity of the foreshore.
- 4.4 Noting limited evidence is available on impact, visitation and risk. This is a social issue which is highly contextual and a definitive evidence base is unlikely to be gathered.

What are the considerations in introducing an alcohol restriction?



- 4.5 Introducing alcohol restrictions is a topic that will elicit mixed views within our community. We have heard the prospective restrictions will impact visitation and enjoyment of our public spaces and that alcohol restrictions have reintroduced a more family friendly environment for visitors and residents to recreate.
- 4.6 To objectively assess options to achieve our desired outcomes, the following criteria has been developed:
1. The foreshore remains an inviting place to visit and visitation is not impacted.
 2. The risk of public safety is mitigated.
 3. The reputation of St Kilda / City as an inviting place to visit is protected.
 4. The policy is easy to understand and communicate.
 5. Council has the resources to implement and enforce any alcohol bans and meet its Occupational Health and Safety obligations.
 6. Police are able to enforce restrictions.
 7. The policy can be evaluated and further data collected to inform long term decision making.
 8. The policy maintains Council's good working relationship with partners and stakeholders.
 9. The ban does not displace the risk to another location within the municipality.
 10. The policy can be implemented alongside other strategies that mitigate risk.

History

- 4.7 Ongoing concerns regarding the impacts of alcohol consumption, anti-social behaviour, safety and options to mitigate the associated risks have been a reoccurring issue for Council for a number of years.
- 4.8 On 9 December 2014, a report was presented to Council to respond to the management of public space over the summer period after it was identified in the 2013/14 summer period that the increasing popularity of both St Kilda and foreshore public spaces was impacting residential amenity.
- 4.9 The 2014 report proposed alcohol controls across a number of sites to proactively manage the amenity of our open spaces, whilst enabling positive visitor experiences in the municipality.
- 4.10 At the 2014 Council meeting, Council resolved to support an update of the local law to cover St Kilda Botanical Gardens with alcohol controls from 5pm on 26 January,



instead of the previous 8pm ban. The proposed alcohol controls covering O'Donnell Gardens and foreshore were not supported due to views relating to visitation, responsible alcohol consumption and culture wanted for the area.

- 4.11 On Christmas Eve 2015 there was an unplanned gathering on South Beach Reserve resulting in the manual collection of 5.7 tonnes of litter and significant impact on residents' amenity.
- 4.12 On Australia Day 2016 over 6,000 people responded via social media that they were going to attend an unofficial Triple J Hottest 100 Party at St Kilda Beach and further 19,000 registered their interest in attending. After assessing the risk and impact of this gathering going ahead, Council CEO under delegation introduced a municipal wide alcohol ban starting at 5pm on 26 January (adjusted from the previous time of 8pm).
- 4.13 On 4 October 2017 a report was presented to Council in response to a petition of 809 signatories from the Carlisle Street Shopping Village requesting that the City of Port Phillip Local Law Number One (Community Amenity) be amended with regard to the consumption of alcohol in public places.
- 4.14 The report from 4 October 2017 recommended Council approve a two year trial to promote safety on our streets, in response to concerns about public drinking and alcohol related issues including anti-social behaviour and violence.
- 4.15 The resulting updated local law means that it is currently an offence to consume alcohol or have an open container on all roads and footpaths throughout the municipality until 4 October 2019.
- 4.16 The report also resulted in the establishment of a multi-agency approach to improve access to support services and alcohol treatment. Local police are also working to take an educative approach to enforcement and are continuing to refer those in need of support to social services so they can get help for alcohol-related harm.
- 4.17 Leading into the 2017/18 summer the following alcohol restrictions were in place under Council's Local Law:
- Municipal wide 8pm to 9am all year.
 - 30 December to 1 January – no sealed containers of alcohol on the foreshore.
 - 30 Dec to 2 January – no unsealed containers of alcohol municipality wide.
 - 5pm 26 January to 9am 27 January – Australia Day municipality wide alcohol ban.
 - No glass on the beach on public holidays.
 - Unsealed containers prohibited on all street and road reserves at all times.



Visitor and Summer Management Program

- 4.18 The program which was initiated in the 2014/15 summer, focuses on the following:
- Minimising negative amenity and waste impacts during the warm weather seasons.
 - Developing agile services to respond to weather conditions from the first hot day of the season (i.e. September, October or November) to early April.
 - Increased resources and operational service levels in order to respond to the large numbers of people who use the beaches, foreshore and inland reserves area during the warmer months.
- 4.19 A detailed executive summary of the Visitor and Summer Management Program is provided in Attachment 1.
- 4.20 In readiness for this summer, permanent bin capacity on St Kilda promenade was increased by upgrading sixty-one of the 120 litre bins to 240 litre bins. This equates to approximately 70% increase in capacity to 14,640 litres. The supply of temporary bins increases our capacity by a further 10,320 litres, resulting in a total bin capacity of 24,960 litres.

Requests for alcohol restrictions

- 4.21 On 15 December 2017 Council received a formal request from St Kilda Foreshore Traders regarding anti-social behaviour and alcohol bans, seeking Council to mitigate public safety concerns on the foreshore and surrounds.
- 4.22 A request was also received on 19 December 2017 from Victoria Police to expand the alcohol restrictions.
- 4.23 Due to the timing of these requests over the Christmas break, Councillors were unable to consider and therefore under delegation, Council CEO extended the alcohol restrictions to include a complete ban across the municipality from 26 December 2017 to 4 January 2018. This was gazetted on 21 December 2017.
- 4.24 On 25 December (Christmas Day) 2017 over 5,000 people gathered on South Beach Reserve for a party. The crowd was consuming excessive amounts of alcohol which resulted in a number of safety risks to themselves and others in the municipality. The incidents included one participant being hit by a tram, another taken to hospital and a high number of medical interventions for cuts sustained from broken bottles.
- 4.25 Victoria Police were called and made a tactical decision to monitor the large crowd rather than enforce due to the risk of escalating anti-social behaviour and potential harm to staff and public.



- 4.26 The Christmas Day incident attracted a wide range of local, national and international media and hundreds of residents expressing displeasure on social media.
- 4.27 The unregulated event resulted in an additional \$23,000 in clean-up cost to Council and 29 tonnes of litter and broken glass hand picked out of reserve over three days. The visual impact of the mess and the broken glass resulted in significant resident and media attention and resourcing to rectify. (See Attachment 2 showing the clean-up operation)
- 4.28 The impact of this event, the concerns that this could be repeated again and the risk to public safety led to a decision by the Acting CEO, under delegation on 28 December 2017, to implement a further alcohol restrictions of;
- Glass and alcohol controls along St Kilda Foreshore limited to the area between Marina Reserve opposite Wordsworth Street and West Beach opposite Langridge Street.
 - Full municipality alcohol restrictions for Australia Day weekend on Friday 26 and Saturday 27 January 2018.

The Problem for Council

- 4.29 Whilst Victoria Police is responsible for management of anti-social behaviour, Council plays a role with the following responsibilities;
- Local laws that control behaviour;
 - Infrastructure to ensure people are safe; and
 - Permitting activities on public land.
- 4.30 Increased services of extra bins, waste collection, litter pickers and foreshore cleaning services have enabled us to clean up more efficiently after increased visitation for public recreation the following day. What is less apparent publicly is the extent of preplanning and officer time involved, which comes at a cost.
- 4.31 The increased services are unable to reduce the risks during an uncontrolled large gathering consuming alcohol in public space and the risks to future visitors and residents as we clean up broken glass from our reserves and beaches.
- 4.32 The implications of doing nothing include:
- Reputational – Media commentary and social media commentary of clean-up operations after a large gatherings portray St Kilda as unclean, unsafe and an attractive place to party/drink or hold unplanned events with no alcohol restrictions or enforcement.



- Increased costs – in planning, preparation, waste collection, temporary signage and communication as well as additional staff and contractor resourcing. These costs are currently diverted from other Council programs.
 - Impacts on residential amenity – with reduced access to parks, noise and large numbers of intoxicated patrons in adjacent areas.
 - Environmental impacts – including the volume of waste which is not in line with Council's objective of significantly reducing (transforming) waste generated.
 - Perception that Council is not discharging its responsibility as the land manager effectively.
- 4.33 Benchmarking with other neighbouring councils, Victorian bay-side councils and interstate councils with high visitation has been undertaken to understand what alcohol restrictions they have in place. A summary of these arrangements are provided in Attachment 3.
- 4.34 Further benchmarking with Councils is proposed to understand the impacts of implementing an ongoing alcohol restriction, including understanding what additional controls and strategies they considered when implementing the restrictions.

Victoria Police

- 4.35 Council's establishment of the alcohol restriction provides Victoria Police with the powers to enforce the alcohol controls and help prevent the associated harm and amenity impacts. The additional Victoria Police resources were also supported by Council's Local Laws Officers.
- 4.36 Council had an MOU with Victorian Police that sets out a protocol for police to follow to enforce Council's alcohol restrictions. This is currently being considered and reviewed following the implementation of the alcohol ban in Carlisle Street.
- 4.37 The restrictions have enabled Victoria Police and Local laws officers to:
- Provide proactive management and enforcement.
 - Enforce public intoxication, disruptive and disorderly behaviour laws.
 - Operate in daylight hours to provide enhanced observations and detections that has reduced the likelihood of gatherings creating significant amenity impacts and harm.

Data Collection and Community Submissions

- 4.38 Data has been collected during this trial period to help assess the impact of the current restrictions;

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- Between 5 January 2017 and 18 January 2018, Council Summer Rangers surveyed 48 daytime visitors across the St Kilda foreshore;
 - 42% were from interstate or overseas
 - In response to 'What is the importance of enjoying alcohol at the beach?', replied:
 - 6% very important
 - 27% somewhat important
 - 52% not important
 - 15% did not answer
 - In response to 'How safe do you feel?', replied:
 - 6% not safe
 - 29% somewhat safe
 - 65% safe
 - 60% were aware of the alcohol restriction in place.
 - Between 24 December 2017 and 3 January 2018, the extended alcohol controls lead to volume of litter waste from manual pick-ups reducing by 22 tonnes compared to the same time the previous year (reduced from 87 tonnes to 65 tonnes)
 - Between 10 December 2017 and 10 January 2018;
 - There was a 5,834 hour increase (350,040 minutes) in the length parking meter stays to the previous year across the St Kilda foreshore parking area (14,329,394 minutes compared to 13,979,334 minutes).
 - Parking meter transactions decreased by 625 transactions during the same period (40,894 transactions compared to 41,520 transactions).
 - Between 15 December 2017 to 14 January 2018, Luna Park attendance figures increased by 7,400 visitors (83,000 visitors compared to 75,600 visitors last year)
- 4.39 Due to the urgency of introducing the extensions there was not an opportunity to undertake a community engagement process, however a number of submissions have been received and these are attached to this report as Attachment 4.



- 4.40 Community members have also been expressing their views on social media in relation to the alcohol ban and the views expressed on social media show both support for and against any alcohol restrictions.
- 4.41 This report proposes to undertake community consultation to help inform any future Council decisions on alcohol restrictions.

Enforcement of the alcohol restriction

- 4.42 The implementation approach of Victoria Police has been to provide warnings and request tip outs where appropriate. On New Year’s Eve the following statistics were collected;
 - o 203 warnings regarding alcohol controls and tip-outs
 - o 8 infringement notices for consuming alcohol at Point Ormond
 - o 5 infringement notices for consuming alcohol at Acland Street
 - o 17 infringement notices for consuming alcohol in other locations
 - o 16 infringement notices for drunk and disorderly conduct
 - o 23 arrests for drunk in a public place
 - o 6 drug related arrests
 - o 3 arrests for assault.
- 4.43 Council Local Laws officers and Summer Rangers have been engaging with visitors to our public spaces to educate, inform and provide warnings of alcohol restrictions.
- 4.44 Victoria Police has provided increased resources to the municipality and has committed to providing more enforcement statistics at the conclusion of the trial.

Alcohol Related Harm in the City of Port Phillip

4.45 Statistics obtained from the Crime statistics agency highlight a high volume of assaults are experienced in Port Phillip.

Year	2014	2015	2016	2017*
Crime against person	1035	1061	1143	1169
Drug Offences	361	399	395	379



Assaults	816	869	886	871
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* 2017 data will increase when final quarter statistics are available.

- 4.46 City of Port Phillip is the second highest municipality in the state of Victoria for arrests related to alcohol.
- 4.47 Port Phillip makes up 50% of public phone calls to police regarding public order.
- 4.48 The City of Port Phillip records high levels of alcohol related harm with increasing rate of hospitalisations and ambulance attendances which is the highest in the Southern Region.
- 4.49 Victoria Police has identified alcohol as a driver of crime, particularly recidivist offending.
- 4.50 Alcohol has been recorded by the Coroner as a factor in 30% of drowning deaths on Port Phillip Council beaches, where being 'unable to swim' was a factor in 20% of beach drowning deaths.
- 4.51 In 2017 an independent risk assessment documented alcohol along the municipality's beaches as an 'extreme' risk which increased the likelihood of deaths, risk taking behaviour and reduced orientation. In total, nearly 30 drowning deaths have been recorded by the Coroner on Port Phillip Council beaches since 2000.
- 4.52 The volunteer Life Saving Clubs indicate the majority of the 2,000 minor first aid actions are in relation to glass cuts with the number of incidents is consistent across all Council's beaches and not limited to St Kilda.

Restricting glass

- 4.53 A local law introducing glass free areas on the foreshore (excluding reserves) on public holidays or any other area designated by Council was made in November 2017. The CEO under delegation introduced a glass ban along the St Kilda foreshore precinct from 4 January until 15 February 2018 in response to high risk incidents in December 2017 which resulted in large quantities of glass on reserves. Many alcohol affected persons attending these events acquired injuries from the glass. Significant resources, including manpower, were required to clear the area.
- 4.54 The implementation of a new local law such as glass free areas takes time as behavioural change is required. Additional local law resources were deployed over the summer months in an effort to effectively implement the change.
- 4.55 From the 4 January to 31 January, Local Laws Officers advised 277 people attending the St Kilda foreshore of the glass free restrictions. All but four people were cooperative and Police issued an infringement to these individuals.



- 4.56 If the glass free area ban along the St Kilda foreshore is extended from 15 February to 3 April 2018, two Local Laws Officers will be required to educate and where necessary enforce this regulation in the St Kilda precinct.
- 4.57 The increased frequency of large gatherings and volumes of waste that are experienced in St Kilda make this an ideal precinct to trial a glass free area.

Options available for extending the current alcohol restrictions trial to April.

- 4.58 The following options have been assessed against the desired outcomes criteria and available in Attachment 5.
- Option 1 – Designate the entire municipality alcohol free 24 hours, 7 days a week and designate the entire 11km of foreshore beaches and reserves up to Beach Road glass free.
 - Option 2 – Designate the entire 11km of foreshore beaches and reserves up to Beach Road alcohol and glass free.
 - Option 3 – Designate the St Kilda Foreshore beaches and reserves between Marina Reserve and West Beach up to Beach Road alcohol and glass free.
 - Option 4 – Designate the St Kilda Foreshore beaches and reserves between Marina Reserve and West Beach up to Beach Road alcohol and glass free, allowing consumption of alcohol in this precinct between 12:00 pm to 4:00pm.
 - Option 5 – Do not extend the current alcohol and glass restrictions. On the 16 February 2018, alcohol restrictions will revert to our current local law of 8:00 pm to 9:00 am and glass restrictions on public holidays only.

Additional considerations

- 4.59 Council could also consider the following options when determining its level of ongoing alcohol restrictions for the City of Port Phillip, in order to augment management and service delivery.
- Installation of CCTV on the foreshore
 - Permitting events on public holidays
 - Liquor outlet controls
 - Backpacker establishment forum
 - Additional summer rangers
 - Increased service levels for waste



- 4.60 The current Fitzroy Street CCTV trial is in place to better understand the benefits/impacts of installing CCTV and it will assist in considerations for future CCTV across the municipality. A mid-program review for Fitzroy Street CCTV is underway and the results are due to Council at the end of April 2018, with a final report to be presented before 2019.
- 4.61 Whilst the State government may contribute to initial funding for the installation of CCTV, there needs to be consideration in relation to the ongoing ratepayer contribution to the maintenance and servicing of these cameras.

Conclusion and recommendation

- 4.62 The small sample of data collected is not conclusive on the impact of alcohol restrictions on visitation.
- 4.63 The trial has been successful in prevented unauthorised alcohol gatherings occurring on hot nights or public holidays.
- 4.64 More collection of data and community engagement is recommended before a decision is made on any ongoing alcohol restrictions.
- 4.65 Over the summer period we have been reprioritising many of our services like local laws into our Summer Management program which has created a backlog in other service requests. Extra effort without supporting Victoria Police resources, restrictions or operational funding to recruit more local laws officers is not possible.
- 4.66 Based on officer assessment of options in accordance with desired outcomes criteria. *Options 3 – Designate the St Kilda Foreshore beaches and reserves between Marina Reserve and West Beach up to Beach Road alcohol free.* Is considered the most appropriate extension of restrictions until April 2018.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Council has received requests for ongoing alcohol restrictions from Victoria Police and several foreshore traders.
- 5.2 The Christmas Day incident attracted a wide range of media both local, national and international, plus hundreds of residents showed their displeasure on social media.
- 5.3 Council Summer Rangers have undertaken surveys between 5 January and 18 January 2018.
- 5.4 A broader community engagement is proposed prior to consideration of ongoing future arrangements.



6. LEGAL AND RISK IMPLICATIONS

- 6.1 Council is responsible for setting law to respond to amenity and risks issues in its role as land manager of public spaces.
- 6.2 Public spaces in Port Phillip are highly visited and considered places of mass gatherings during events, warmer weather, weekends and public holidays.
- 6.3 There are high levels of alcohol related harm in City of Port Phillip coupled with ongoing community concerns presenting a risk for Council if not implementing any changes as our role as land manager.

7. FINANCIAL IMPACT

- 7.1 Budget for the Visitor and Summer Management program is currently \$350,000, the existing operational expenditure on the foreshore is over \$4.1 million.
- 7.2 The clean-up operation for Christmas day unauthorised party was \$23,000

8. ENVIRONMENTAL IMPACT

- 8.1 Un-controlled alcohol consumption will generate more waste and local environmental impacts that would otherwise be reduced. An estimated 29 tonnes of waste was generated on St Kilda foreshore as a result of the Christmas Day 2017 event.
- 8.2 A high volume of waste generated on the foreshore is from alcohol related products. This waste ends up in the bay, presenting a risk to our marine environment.

9. COMMUNITY IMPACT

- 9.1 Council's function under the Local Government Act 1989 includes "to ensure that resources are used efficiently and effectively and services are provided in accordance with the Best Value Principles to best meet the needs of the local community".
- 9.2 The functions of the City of Port Phillip under the Act include: "making and enforcing local laws; exercising, performing and discharging the duties, functions and powers of Council under this Act and other Acts; any other functions relating to the peace, order and good government of the municipal district."
- 9.3 Council's Visitor and Summer Management plans seeks to minimise negative impacts and harm during warm weather and summer along the foreshore and in Council's inland reserves.
- 9.4 Proposing the alcohol restriction to only the St Kilda foreshore precinct could displace the activity to other foreshore areas or inland parks.



10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 Reducing harm from alcohol has been identified as an important issue and key priority in the City of Port Phillip Council Plan 2017-2027.
- 10.2 Under Strategic Direction 1.1 – a safe and active community with strong social connections, Council has committed to “collaborate with partners to understand and minimise the harms associated with alcohol and other drugs”.
- 10.3 Addressing safety is identified as an issue under Strategic Direction 4.1 “Liveability in a high density City”.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

- Undertake community engagement to seek the community’s views on alcohol consumption during the trial restriction proposed in public spaces, including a ‘Have Your Say’ website survey.
- Collect further data and options and report back to Council by June 2018 with a full Visitor and Summer Management Program review.

11.2 COMMUNICATION

- Update signage on the foreshore.
- Use website, media announcements and social media to communicate the alcohol restrictions.
- Promote the community engagement recommended.

12. OFFICER DIRECT OR INDIRECT INTEREST

- 12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

TRIM FILE NO:

62/01/375

ATTACHMENTS

- 1. Visitor and Summer Management Program Overview**
- 2. Images from Christmas Day Foreshore Party 2017**
- 3. Summary of Alcohol Ban Information from other Councils**
- 4. For and Against Extended Alcohol Bans**
- 5. Alcohol Assessment Criteria and Options Matrix**