



**9.5 SUBMISSIONS REQUESTING ALCOHOL RESTRICTIONS
AND GLASS ENFORCEMENT AT ST KILDA FORESHORE**

**EXECUTIVE MEMBER: FIONA BLAIR, GENERAL MANAGER, INFRASTRUCTURE AND
AMENITY**

**PREPARED BY: DAVID HEHIR, FORESHORE COORDINATOR
ANTHONY TRAILL, MANAGER OPEN SPACE AND RECREATION**

1. PURPOSE

- 1.1 To respond to submissions from St Kilda Tourism and Events (joint letter), Victoria Police and St Kilda Life Saving Club requesting consideration of greater alcohol restrictions on St Kilda foreshore, provided as Attachment 1.
- 1.2 To respond to a submission from St Kilda Tourism and Events (joint letter) to provide appropriate resources at appropriate times of the day to enforce the existing glass restriction on the foreshore.

2. EXECUTIVE SUMMARY

- 2.1 The foreshore is enjoyed by residents and is a tourist destination. The St Kilda foreshore precinct provides iconic attractions with diverse recreational, culinary and open space offerings.
- 2.2 St Kilda foreshore is easily accessible by public transport and an attractive location for people to congregate in large numbers throughout the extended Summer period, especially on hot days and warm nights. St Kilda foreshore experienced anti-social and criminal behaviour during the Summer period prior to alcohol restrictions being implemented and again this year during the month of November.
- 2.3 The current local law restricts consumption of alcohol from 8pm to 12 noon every day with additional restrictions for the Christmas period (along St Kilda foreshore), New Year period and Australia Day Weekend. Council also has a two-year trial restricting consumption of alcohol on our streets and footpaths, concluding October 2019.
- 2.4 Council has a new local law in place this summer prohibiting glass along our 11 kilometres of foreshore supported by additional temporary infrastructure, resources and equipment as part of the Visitor and Summer Management program.
- 2.5 Council launched the Visitor and Summer Management program 'Play Your Part' campaign (Attachment 2) on Friday 23 November at St Kilda Beach seeking community support to:
 - Use the bin
 - Cut the glass
 - Take it easy.



- 2.6 Council considered alcohol restrictions for the municipality on the 21 March 2018 after community engagement during the trial of alcohol restrictions last summer. Eight options were considered varying from a full municipal ban to a base case of no change.
- 2.7 Officers note that the topic of alcohol restrictions is a complex social policy issue with many variables that are dependent on context. Consequently, there is a lack of a definitive quantitative evidence base to guide Council decision making.
- 2.8 Council is reconsidering the alcohol restriction again due to;
- Large crowds gathering in November on St Kilda foreshore on three warm nights, consuming alcohol which led to anti-social and criminal behaviour.
 - A petition, joint letter, from residents and traders has been received asking Council to implement alcohol restriction to St Kilda foreshore.
 - Advice from police they have been unable to effectively police (with additional resources) this area when large crowds have arrived, and their concern that further incidents will occur without restrictions.
 - A formal request from Victoria Police to introduce extended alcohol restrictions.
- 2.9 The incidents of anti-social behaviour and crime have attracted negative media attention through television, print, radio and social media coverage. This impacts on St Kilda's reputation as a safe destination.
- 2.10 The proposed restriction is only considering the highest visited precinct of St Kilda foreshore where alcohol and behaviour is an issue due to the large crowds in warm weather.
- 2.11 Council has commenced the development of a 'Community Safety Plan' which will clearly articulate the roles of various stakeholders and guide our commitment to ensure safety is paramount within our municipality, including St Kilda, whilst also maintaining our character.
- 2.12 The Community Safety Plan will take a holistic, multi facet approach to community safety. The community will have the opportunity to provide feedback on the plan along with industry experts, stakeholders, traders and visitors to ensure that the Community Safety Plan and framework is supported and implemented by both community, agencies and traders.
- 2.13 The implementation of alcohol restrictions and police resourcing is a key component of ensuring that the St Kilda foreshore is a safe and welcoming place for all.



3. RECOMMENDATION

That Council:

- 3.1 Implements alcohol restriction Option 3 – Ongoing seasonal restriction for St Kilda Foreshore.
- 3.2 Amends the City of Port Phillip Procedures and Protocols Manual section 54.1 to designate alcohol restrictions along the St Kilda foreshore precinct from 12.01 am on 1 November to 11.59 pm on 31 March inclusive. The St Kilda foreshore is defined as waters and Crown land within the municipality boundary up to the adjoining road, and includes all beaches, reserves, parkland and carpark from Langridge Street to Thackeray Street, St Kilda.
- 3.3 Further amends the City of Port Phillip Procedures and Protocols Manual section 54.1, sections (a) to (k), to reflect this resolution of Council, to remove the provisions of that section that are made redundant by this resolution, and to reorder the clauses of section 54.1 to simplify and clearly define the intent of the section.
- 3.4 Publishes the amendments to its Procedures and Protocols Manual 1 September 2013 in the Victoria Government Gazette and updates Council's website with these changes.
- 3.5 Notes that a Community Safety Plan is being developed that prioritises:
 - a) Safer Places, streets and activity centres,
 - b) Crime prevention and harm minimisation, and
 - c) A welcoming, inclusive and resilient community.
- 3.6 Notes the Community Safety Plan will take a holistic, multi facet approach to community safety and that the community will have the opportunity to provide feedback on the plan along with industry experts, stakeholders, traders and visitors.
- 3.7 Notes alcohol restrictions are a key component of ensuring that the St Kilda foreshore is a safe and welcoming place for all and the proposed alcohol restrictions will be implemented in combination with a range of other actions that are currently underway.
- 3.8 Notes Council has additional resources as part of the Visitor and Summer Management program to implement the existing by-law pertaining to glass ban on the foreshore at appropriate times of the day.

4. KEY POINTS/ISSUES

Background

- 4.1 In March 2018, various options to set a long-term policy were developed with consideration of community engagement feedback, submissions and public speakers' representations to the 7 February and 21 March 2018 Council reports, data and observations from the 2017-18 trial restrictions, as well as the experience of other

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Councils that have alcohol restrictions on their beaches and foreshore. On the 21 March 2018, it was resolved;

That Council:

- *Notes that considering alcohol restrictions policy setting is highly complex and based primarily on anecdotal evidence, with various forms of supporting evidence and benchmarking to support a long-term policy position of Council.*
- *Notes that the consideration of options included a review against assessment criteria, community engagement feedback, written submissions from key stakeholders (including Victoria Police, Port Phillip traders, Life Saving Victoria, Ambulance Victoria and VicHealth), the data and observations from the current trial restrictions and assessment of resources to implement.*
- *Notes that Option 1 is the option advocated for by Victoria Police; however, it is not recommended as the risks do not merit an all-year-round total foreshore alcohol restriction, given the escalation of risks is in the peak season when visitation to the foreshore also peaks.*
- *Notes that Option 2 - A peak season alcohol restriction along the entire foreshore from 1 November to 31 March is the option that has been assessed by officers as best meeting the criteria adopted by Council, as it prevents displacement of the risks from the St Kilda foreshore to other foreshore locations. However, it has a negative impact on the right to enjoy responsible alcohol consumption on the foreshore away from the higher risk St Kilda foreshore.*
- *Implements the base case option 8, being no change to the restrictions currently in place, with the following:*
 - *Amends the City of Port Phillip Procedures and Protocols Manual to designate alcohol restrictions along the St Kilda foreshore precinct from 12.01 am on 24 December to 11.59 pm on 26 December inclusive. The St Kilda foreshore is defined as waters and Crown land within the municipality boundary up to the adjoining road, and includes all beaches, reserves and parkland from Langridge Street to Wordsworth Street, St Kilda.*
 - *Amends the City of Port Phillip Procedures and Protocols Manual section 54.1(d), to designate alcohol restrictions throughout the municipal district, in any year, on road and Council land, between the hours of 8 pm and 12 pm on the following day.*
 - *Amends the City of Port Phillip Procedures and Protocols Manual section 54.1(f), to designate alcohol restrictions apply on Australia Day within the whole of the municipality between the hours of 12.01 am and 11.59 pm.*



- *Publishes the amendments to its Procedures and Protocols Manual 1 September 2013 in the Victoria Government Gazette and updates Council's website with these changes.*
- *Notes that Council is implementing various additional strategies in combination with alcohol restrictions, including investigating a Christmas season event, delivering a backpacker establishment forum, further developing strategies that minimise harm to vulnerable people and considers an increased budget and summer management services levels as part of the 2018/19 budget process.*
- *Extends its gratitude to all Port Phillip residents, traders and visitors who contributed to the community engagement process, made written submissions or verbally presented to Council.*

Petition / Submissions requesting introduction of further alcohol restrictions

- 4.2 In response to recent incidents Council has received submissions from St Kilda Tourism and Events (joint letter), Victoria Police and St Kilda Life Saving Club requesting consideration of greater alcohol restrictions on St Kilda foreshore. The residents, traders, police and life saving club specifically requested:
1. Permanent alcohol ban on the St Kilda foreshore during October to March (inclusive) as a minimum and urgency before further serious issues.
 2. Provision of appropriate Council resources at appropriate times of the day to enforce existing glass by-laws on the foreshore.
- 4.3 The traders and residents joint letter noted the issue directly affects traders commercially, broader visitor economy, locals and staff, specifically the direct physical and emotional harm being caused to innocent beach goers.
- 4.4 The Victoria Police letter advised;
- the lack of alcohol controls between 12 midday and 8pm is extremely challenging to enforce, as often Victoria Police is faced with a large mass gathering (crowded place) of people who have consumed alcohol often for many hours prior to being asked to cease consumption.
 - the uncontrolled alcohol consumption has led to alcohol related violence, anti-social behaviour, assaults and robbery.
 - Police observed the previous 24 hour controls throughout summer as very effective in reducing incidents, reducing calls for assistance and improved perceptions of safety by traders and community enhanced during the alcohol controls.
- 4.5 Victoria Police has committed additional state resources to be deployed to St Kilda foreshore throughout the Summer period and confirmed they would proactively engage the community to tip out or enforce.



Strategies regardless of options

- 4.6 For optimum impact, the consideration of extended alcohol restrictions should be implemented in combination with a range of other actions that are currently underway. These actions include, but are not limited to:

Underway:

- Development of a Community Safety Plan, including community engagement to establish a framework for considering future safety initiatives. A proposed priority area is 'Safer places, streets and activities centres'.
- Additional Victoria Police resources as part of operation 'Sand Safe'
- Direct engagement with liquor outlets and ensuring licenced premises continue to ensure responsible service of alcohol practices.
- Continuing the strong partnership with police and volunteer lifesaving clubs who support the Council in managing the foreshore during summer.
- Delivering forums with backpacker establishment managers to seek feedback and improve the Visitor and Summer Management program.
- Increased litter management activity, education and enforcement, utilising additional Local Laws officers and Summer Rangers who are engaged to support the new foreshore glass ban.
- Increased social media monitoring to inform planning and resourcing for peak season and peak days.
- Installation of CCTV in St Kilda, specifically the foreshore.
- Joint agency operations with Victoria Police for key dates.
- Engagement initiatives with African communities on St Kilda Foreshore
- Delivering vibrancy through permitted events and placemaking initiatives, such as Fitzroy Street.
- Installation of infrastructure improvements to enhance lighting, passive surveillance and controlling unwanted vehicle access to the foreshore.
- Working with service providers to increase affordable housing and reduce homelessness and rough sleeping.
- Partnering with specialist health organisations around drug and alcohol harm minimisation.
- Working with Life Saving Victoria to trial paid life guards improving water safety and reducing risks and consequences of consuming alcohol near water.

Challenges implementing the current alcohol restrictions

- 4.7 St Kilda foreshore is an iconic destination that attracts large crowds and is considered a higher risk public space due to its proximity to public transport, walking distance to liquor outlets and is a popular on hot days/warm nights.



- 4.8 On warm nights, it is unrealistic to enforce the ban commencing at 8pm due to the large crowds and resources available to safely and effectively enforce.
- 4.9 The varying alcohol restrictions are complex to communicate. This includes: 24-hour alcohol ban of streets and footpaths; 8pm to 12 noon the following day open alcohol container restriction on beaches, parks and reserves; open alcohol container restriction covering just St Kilda foreshore from 8pm 23 December to 12 noon on 27 December inclusive; and various New Year's Eve period restrictions.
- 4.10 Restrictions on key dates results in large and complex operations requiring considerable communications, infrastructure, security and enforcement.
- 4.11 Not having restrictions throughout the Summer period on the St Kilda foreshore limits the opportunities for effective proactive management on dates we anticipate large crowds on our foreshore due to unplanned events or seasonal warm weather.

What level of alcohol restrictions should apply?

- 4.12 A sliding scale of three alcohol restriction options was considered in forming the recommendation of this report. These options range from an ongoing St Kilda foreshore seasonal ban to a base case of no change to the current restrictions.
- 4.13 This report does not consider alcohol restrictions on the foreshore outside the St Kilda foreshore precinct or inland parks and open spaces where the existing local law allows responsible alcohol consumption between 12 midday and 8pm.
- 4.14 **Option 1 - Base Case no change**
- This option would maintain the existing alcohol restrictions permitting consumption between 12 noon and 8pm every day. Council would continue to implement the current Visitor and Summer management program focus on litter, glass and increased service levels. Further incidents are likely to occur impacting on safety in St Kilda.
- 4.15 **Option 2 – Short term restriction at St Kilda Foreshore until March 2019**
- A short term seasonal alcohol restriction limited to St Kilda Foreshore until 31 March 2019. This option would defer future ongoing controls to be considered as part of the evaluation of the two-year trial of street and footpath restrictions and within a framework of an adopted Community Safety Plan.
 - Noting the two-year trial of street and alcohol restrictions concludes in October 2019, a short-term restriction would not be in place for the start of next Summer and ongoing restrictions would be reconsidered approximately the same time again next year.
- 4.16 **Option 3 – Ongoing seasonal restriction for St Kilda Foreshore**
- An ongoing alcohol restriction limited to St Kilda Foreshore between 1 November and 31 March annually. This option provides ongoing simplicity in communication, education and enforcement. It still allows responsible consumption of alcohol on other parts of our foreshore and inland parks and open spaces.



- A consistent alcohol restriction is required to support education and embed improved community behaviours in this precinct. It would be a catalyst decision that would ensure Victoria Police support to plan, prepare and implement appropriate resources to manage public order on St Kilda foreshore.
- In addition as the responsible land manager, it is necessary Council manages the risk of large crowded places ongoing.

Officer recommendation – Alcohol restrictions

- 4.17 Council, like any land/property manager, has an obligation to manage the public spaces in its jurisdiction effectively and to balance the various uses and opportunities with public safety considerations.
- 4.18 Each anti-social incident attracts further negative media and impacts the reputation of the city and increases negative perceptions of safety. There is an opportunity to prevent further incidents, compliment Council’s Visitor and summer management program and still support responsible alcohol at permitted events, licenced venues and other locations.
- 4.19 We have increasing obligations to safely manage crowded places in a changing security environment and it is envisaged that the St Kilda foreshore will continue to be a global and locally loved destination providing iconic attractions with diverse recreational, culinary and open space offerings.
- 4.20 A Community Safety Plan is being developed that prioritises:
- Safer Places, streets and activity centres,
 - Crime prevention and harm minimisation, and
 - A welcoming, inclusive and resilient community.
- 4.21 The Community Safety Plan will take a holistic, multi facet approach to community safety and that the community will have the opportunity to provide feedback on the plan along with industry experts, stakeholders, traders and visitors.
- 4.22 Alcohol restrictions are a key component of ensuring that the St Kilda foreshore is a safe and welcoming place for all and the proposed alcohol restrictions will be implemented in combination with a range of other actions that are currently underway.
- 4.23 It is therefore recommended option 3 - An ongoing seasonal restriction for St Kilda foreshore precinct be implemented between 01 November to 31 March annually.

Resourcing the glass ban

- 4.24 This summer is the first summer season with a glass ban along our municipal foreshore. The glass ban will require a culture change for our community and visitors. It is anticipated the behavioural change will improve throughout the summer campaign and take multiple years to embed.



- 4.25 On the 5 September, Council endorsed the upcoming 2018/2019 Visitor and Summer management plan highlighted by:
- Additional four part-time Local Laws Officers for the Visitor and Summer Management Program (Nov- March, roving patrols) including local laws overtime allowances covering weekends and public holidays.
 - Additional Local law pool vehicle and patrol buggy to increase coverage and on-site presence throughout the day and weekends.
 - Additional two part-time Waste Education Rangers to provide an on-site presence and education.
 - Additional two litter pickers x 4hrs/day for 50 days.
- 4.26 On the 23 November 2018, we launched the Visitor and Summer Management Program on St Kilda foreshore promoting the additional resources and asking the community to join our 'Play your part' community campaign.
- 4.27 At present these additional resources are considered adequate for this summer period and will be subject to ongoing review and the end of season program review.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 During the month of November submissions requesting alcohol restrictions to St Kilda foreshore have been received from St Kilda Tourism and Events (joint letter), Victoria Police and St Kilda Life Saving Club.
- 5.2 Council undertook community engagement from 16 February to 6 March 2018. This community engagement was considered as part of the 21 March 2018 Council Report

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Council, like any land/property manager, has an obligation to manage the public spaces in its jurisdiction effectively and to balance the various uses and opportunities with public safety considerations.
- 6.2 Likewise, Council has an obligation to consider how its management of public space might impact adjoining private land such as commercial and/or residential areas. Failure to do this may result in actions being brought against Council.

7. FINANCIAL IMPACT

- 7.1 New alcohol restrictions will need to be advertised. This would be undertaken as part of the Visitor and Summer Management program.
- 7.2 It is envisaged an ongoing seasonal ban would simplify future years communications and therefore reduced costs for communication and signage.

8. ENVIRONMENTAL IMPACT

- 8.1 A high volume of litter 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 officers observed during the trial restriction last Summer a more culturally diverse and broader age demographic of visitors to the foreshore, especially on peak days. An increase in the number of families and young people (teenagers) at the beach was reported.
- 9.2 Car parking data (between 26 December 2017 to 10 February 2018) showed a 1.5% increase in parking transactions compared to the same period the previous year.
- 9.3 An independent report of EFTPOS transactions in St Kilda (between 26 December 2017 and 31 January 2018) showed that there was a 2.6% increase in alcohol sales, with liquor stores recording the highest increase.
- 9.4 Despite concerns to the contrary, there was no decrease in visitation to the foreshore during the trial last Summer. Beach numbers and carparking levels have been comparable to the previous two years; traders report a busy and productive summer and EFTPOS data shows that alcohol sales actually increased in drinking establishments and liquor stores during the trial period.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 Direction - We embrace difference, and people belong

1.1 - A safe and active community with strong social connection. Priority to collaborate with partners to understand and minimise the harms associated with alcohol and drug use.

10.2 Direction - We have smart solutions for a sustainable future

3.5 - A sustained reduction in waste. Work towards outcome by managing waste collection to improve amenity and achieve cleaner streets, public spaces and foreshore areas.

10.3 Direction - We are growing and keeping our character

4.1 – Liveability in a high-density City. Work towards outcome by designing, activating and managing public spaces that are safe and inviting places for people to enjoy.

10.4 Direction - We thrive by harnessing creativity

5.2 – A prosperous City that connects and grows business. Work towards outcome by partnering to promote Port Phillip as a visitor destination in a way that respects local amenity.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

- 11.1.1 Any revised alcohol restrictions will be gazetted and implemented as soon as possible and incorporated into our Visitor and Summer Management program, which has already commenced.



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11.2 COMMUNICATION

11.1.2 A media release communicating any new alcohol restrictions will be issued as there has been previous media interest in this topic.

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.

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ATTACHMENTS

1. Written Submissions
2. Visitor and Summer Management Campaign Poster