



# ORDINARY MEETING OF COUNCIL 6 NOVEMBER 2019

## 9.1 NEIGHBOURHOOD NGARGEES AND THE CONSUMPTION OF ALCOHOL

**EXECUTIVE MEMBER:** TONY KEENAN, GENERAL MANAGER, COMMUNITY AND ECONOMIC DEVELOPMENT

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### 1. PURPOSE

- 1.1 To provide advice to Council on the ability to update the Local Law No. 1 to enable the public consumption of alcohol at Neighbourhood Ngargee events.

### 2. EXECUTIVE SUMMARY

- 2.1 Direction 1 of the City of Port Phillip Council Plan 2017-2027 articulates Council's commitment to a 'Safe and active community with strong social connections'.
- 2.2 On the 2 October 2019, Council endorsed the continuation of Local Law No 1. restricting the consumption of alcohol from all streets and footpaths, at all times, in the City of Port Phillip. This includes nature strips, laneways, and bicycle and pedestrian pathways.
- 2.3 A motion accompanying the continuation of public drinking laws on streets and footpaths requested that officers provide further advice to Council on the ability to update the Local Law No 1., in order to allow the consumption of alcohol at Neighbourhood Ngargee events.
- 2.4 This report outlines three options that would allow for the consumption of alcohol at Neighbourhood Ngargee events.
- 2.5 Under any proposed changes, it would not be possible to allow for the consumption of alcohol at private street parties that do not comply with either Neighbourhood Ngargee events or approved street parties as set out in the Options set out in this report.

### 3. RECOMMENDATION

That Council:

- 3.1 Notes that no action is required by Council to enable the public consumption of alcohol at Neighbourhood Ngargee events as public consumption of alcohol can occur in the street without exemption to Local Law No1.

### 4. KEY POINTS/ISSUES

- 4.1 Ngargee is an Indigenous Australian word meaning "gathering for celebration".



- 4.2 A Neighbourhood Ngargee is a community organised social gathering of up to 150 people which is held on a roadway or Council land and which is for the sole purpose of bringing together people from a particular neighbourhood or community.
- 4.3 The Neighbourhood Ngargee program supports social inclusion and connectedness of a participating community and generates opportunities for neighbours to interact and get to know each other in this shared setting. An important benefit of such a gathering is to foster an environment of trust and safety in the local community.
- 4.4 Council partners with the Port Phillip Community Group (PPCG) to deliver the Neighbourhood Ngargee program of up to 30 events per year.
- 4.5 This partnership has been in operation since 2004 and aims to eliminate barriers to holding neighbourhood gatherings by providing residents with: -
- Traffic management plans.
  - Event day road closure equipment set up by trained staff.
  - Public liability insurance.
- 4.6 In the past two years, Council has received two enquiries with regards to the impact of alcohol restrictions on the purpose of Neighbourhood Ngargees.
- 4.7 In response to these enquiries, Council officers investigated any potential liquor licencing options that might enable alcohol consumption at the Neighbourhood Ngargee. The Victorian Commission for Gambling and Liquor Regulation (VCGLR) advised that liquor licences do not override local laws. Instead, they work in parallel with the local law.
- 4.8 In the 2017/2018 season, 27 Neighbourhood Ngargee events were supported by Council. This reduced to 23 events over the 2018/2019 season. While the number of planned events did decline over the alcohol trial period there is no evidence that this was due to restrictions placed on alcohol consumption. At the time of preparing this report the 2019/2020 session had not been finalised.
- 4.9 On 2 October 2019, Council endorsed the continuation of Local Law No 1. To restrict the consumption of alcohol from all streets and footpaths, at all times, in the City of Port Phillip. This includes nature strips, laneways, and bicycle and pedestrian pathways.
- 4.10 In endorsing the continuation of Local Law No 1 on 2 October 2019, Council also requested that officers provide further advice on the ability to update the Local Law No 1 to enable the public consumption of alcohol at Neighbourhood Ngargee events.
- 4.11 Options
- 4.11.1 **Option 1.**
- No change to Local Laws required.
- While Neighbourhood Ngargees and private street party events must comply with the local law, participants could consider designating areas for appropriate consumption of alcohol within private property boundaries or local parks.
- 4.11.2 **Option 2.**
- No change to Local Laws required



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It is also possible for Council to link approved Neighbourhood Ngargee proposals to 'Special Event' permit procedures under Clause 15 of the Local Law No. 1

A special event is defined as “an organised sporting, recreational, cultural, commercial or social gathering of twenty (20) or more people, including a market, promotional activity or wedding, which is held on a road or Council land other than the area designated by the Australian Grand Prix Act 1994 during the race period.”

A permitted 'Special Event' (permitted under Clause 15 of the Local Law No.1) is able to serve alcohol and does not require a liquor licence, unless alcohol is being sold at the event. The alcohol must be consumed within the area designated within the permit.

It is possible for an approved Neighbourhood Ngargee event of twenty (20) or more to be granted a 'Special Event' permit to serve alcohol at the event. This can happen with only minor changes to the current Neighbourhood Ngargee process.

Organisers of Neighbourhood Ngargee events would be supported by Port Phillip Community Group around road closures, traffic management plans, availability of trained staff and public liability insurance.

There would be limited additional administrative tasks, obligations and unfunded costs for Neighbourhood Ngargee events under Option 2.

There is no legal impediment to a Neighbourhood Ngargee event pursuing Option 2 currently.

### 4.11.3 Option 3.

A change to Local Laws required.

A definition of Neighbourhood Ngargee be included into the Local Law No.1 and the procedure manual incorporate an exemption that will enable the public consumption of alcohol at an approved Neighbourhood Ngargee event, under clause 54.

The suggested wording for the exception is: -

*At Neighbourhood Ngargee events, persons over the age of eighteen years, can have in their possession unsealed liquor containers and consume alcohol within a designated closed street setting on the date and time stated in the Neighbourhood Ngargee application that has been approved by Council.*

Council would be required to give public notice of its intention to amend the Local Law No 1. and must conduct a formal public submission process in accordance with section 223 of the Local Government Act 1989. Council would then consider all submissions received and decide whether to adopt the changes to the Local Law No 1.

A Neighbourhood Ngargee is a community organised social gathering of up to 150 people which is held on a roadway or Council land and which is for the sole



purpose of bringing together people from a particular neighbourhood or community.

4.11.4 The amendments associated with the Neighbourhood Ngargees could be coupled with anticipated changes to the Local Law No 1 in relation to fire pits and busking. It is anticipated this process would occur prior to the end of term of the current Council.

## **5. LEGAL AND RISK IMPLICATIONS**

- 5.1 If Option 3 was pursued, this will take some time to implement. This would mean that Neighbourhood Ngargees would have to continue to comply with current regulations until the changes are in place. This may impose additional costs on the events.
- 5.2 If Option 3 was pursued, Council may be perceived as being inconsistent in the application of Local Laws.
- 5.3 Council has an obligation to effectively manage the public spaces within its jurisdiction and to balance the various uses and opportunities with public safety considerations.
- 5.4 Council has an obligation to consider how 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.

## **6. FINANCIAL IMPACT**

- 6.1 If Option 3 was pursued, there would be a direct financial impact to Council from consultation, legal advice and public notification. This would be in the order of \$6,000 as well as staff time.

## **7. ENVIRONMENTAL IMPACT**

- 7.1 Neighbourhood Ngargee organisers take responsibility for all rubbish disposal and retaining the amenity of affected streets.

## **8. COMMUNITY IMPACT**

- 8.1 Neighbourhood Ngargees are important social events that enhance social cohesion and build community. Moderate consumption of alcohol can be part of such events.

## **9. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY**

- 9.1 Direction – We embrace difference, and people belong.
  - 1.1 A safe and active community with strong social connection. Priority to collaborate with partners such as Port Phillip Community Group to offer programs like Neighbourhood Ngargees that encourage social inclusion and connectedness.
- 9.2 Direction – We are growing and keeping our character.
  - 4.1 Liveability in high-density City. Work towards outcome by designing, activating and managing public spaces that are safe and inviting places for people to enjoy.

## **10. IMPLEMENTATION STRATEGY**

- 10.1 TIMELINE



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10.1.1 As there are two options in which the public consumption of alcohol can occur in the street without exemption to Local Law No1, these actions can occur immediately as part of Council's normal operations.

### **11. OFFICER DIRECT OR INDIRECT INTEREST**

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

**TRIM FILE NO:** 42/11/133

**ATTACHMENTS** Nil