



ORDINARY MEETING OF COUNCIL 2 OCTOBER 2019

9.1 TWO YEAR REVIEW OF PUBLIC DRINKING LAWS FOR STREETS AND FOOTPATHS

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1. PURPOSE

- 1.1 To provide Council with the final evaluation of the findings for the local law banning public drinking for streets and footpaths for the Municipality.

2. EXECUTIVE SUMMARY

- 2.1 In August 2017, Councillors were briefed of ongoing community concern via a petition of 809 people about the impact of small groups coming together to publicly consume alcohol in Carlisle Street, Balaclava. At the time, residents, visitors and traders reported feeling unsafe due to intoxicated persons and related antisocial behaviour.
- 2.2 Council subsequently agreed to amend the local law to prohibit alcohol consumption on all streets and footpaths, at all times, across the Port Phillip municipality, which was enacted on 24 November 2017, as part of a two-year trial.
- 2.3 At the time of the alcohol bans introduction, some concerns were raised by health and legal organisations regarding the potential impact on vulnerable community members.
- 2.4 The purpose of the evaluation of the public drinking on streets and footpaths is to assess how the local law influenced the community's perception of safety, local amenity, crime and any impact on vulnerable community members.
- 2.5 The evaluation criteria established at the time included: -
 - 2.5.1 To what the degree did the amendment of local laws to respond to public drinking improve the perception of safety in the City of Phillip?
 - 2.5.2 To what degree did the amendment of local laws to respond to public drinking improve the local amenity in the City of Phillip?
 - 2.5.3 To what degree did the amendment of the local laws to respond to public drinking influence how police prevent and respond to crime in the City of Phillip?
 - 2.5.4 To what degree were vulnerable community members affected by the amendment of the local law which restricts public drinking?
- 2.6 The evaluation design was based on previous evaluations into public drinking laws conducted in the municipalities of Darebin, Yarra and Maribyrnong.



- 2.7 To what degree did the amendment of local laws to respond to public drinking improve the perception of safety in the City of Port Phillip?
- 2.7.1 Residents and local traders consulted through this evaluation continue to support the amendments of the local law, prohibiting the consumption of alcohol on streets and footpaths. The majority of respondents indicated that their perception of safety has improved.
- 2.7.2 Both residents and traders indicated that there had been a decrease in the level of visibility of people drinking in shopping precincts since the introduction of the alcohol bans.
- 2.7.3 The majority of respondents indicated that while safety was still an issue, it was not as significant compared to prior to the introduction of public drinking laws.
- 2.8 To what degree did the amendment of local laws to respond to public drinking improve the local amenity in the City of Port Phillip?
- 2.8.1 The amendment of local laws around public drinking improved amenity within the municipality with a significant 24% (229 to 174) reduction in enquiries and complaints to Council regarding public drinking in the 18-months of the trial.
- 2.8.2 A further breakdown of this data shows a reduction in customer enquiries to Council for antisocial behaviour (46.4%), rubbish (40%) and planning compliance issues (33.3%).
- 2.8.3 A review of entries into the Customer Relations Management System showed, areas that have a high concentration of clubs, pubs and bars received a greater number of customer complaints about planning compliance issues such as noise issues associated with alcohol driven behaviours outside or within the vicinity of licensed premises over the trial period. It was not possible for this data to distinguish between acts of public drinking and alcohol triggered behaviours.
- 2.8.4 St Kilda comprised of 52% (46) of the 89 complaints received in relation to planning compliance and noise issues associated with alcohol driven behaviours outside or within the vicinity of licensed premises over the trial period. It is not possible for this data to distinguish between acts of public drinking and other alcohol triggered behaviours.
- 2.8.5 Intercept survey respondents indicated there had been improvements to amenity over the trial period although some noted the need for continued improvements to support and maintain pleasant and attractive activity spaces.
- 2.8.6 Of the 162-people surveyed 38 per cent (61) people observed a positive change in the pleasantness or attractiveness of the area over the last 2 years. 60 per cent (97) people had not seen a notable change.
- 2.8.7 Anecdotal feedback provided as part of the intercept survey provided further insight into the positive impact on peoples' experience of Carlisle and Acland Streets. "Lovely to do shopping without being terrified of being abused by someone drinking around the supermarket. "I have been abused on many occasions" "Less people hanging around and drinking."



- 2.9 To what degree did the amendment of the local laws to respond to public drinking influence how police prevent and respond to crime in the City of Port Phillip?
- 2.9.1 Crime in public places has dropped by 14% (from 8895 to 7729) across Port Phillip since the introduction of the public drinking laws. This is a reduction of 1,256 offences. During the same time period, City of Melbourne had a decrease of 7.4% and City of Yarra had a drop of 1.7% in crime in public places. All data sets were segmented to take into consideration when the suspect was alcohol affected.
- 2.9.2 'Crime against the person' (when the suspect was alcohol affected) has declined from 830 to 720 offences which is a decrease of 13.25%. In particular, the category of 'assault' has dropped from 504 to 413 offences which is a reduction of 18.05%
- 2.9.3 There was also a decrease in the number of 'disorderly and offensive conduct' offences by 5.57% (503 to 475) across the three-year period. This finding is dissimilar to the City of Yarra with an 8.87% (462 to 503) increase and the City of Melbourne with a rise of 4.79% (480 to 503) in disorderly and offensive conduct' offences.
- 2.9.4 The Victoria Police have indicated that the alcohol restrictions are a tool to prevent or diffuse problematic behaviour before it becomes a more serious issue and requires greater action. Police response to the local law would not necessarily lead to infringement. The law has enabled the opportunity for early intervention measures including education of the law, requests to cease and the tipping out of alcohol from open containers.
- 2.9.5 In reviewing the 58 infringement notices issued over the trial period, Port Phillip residents accounted for 22% (13) of people issued fines for public drinking. Eight-eight per cent (45) infringements were issued to people who do not reside within the municipality.
- 2.9.6 Victoria police note that they operate with discretionary power and apply this discretion in relation to the City's most vulnerable people.
- 2.9.7 Community research identified some concerns around the degree of policing response to anti-social behaviour. "Don't ban it - Police it." "Who polices the ban?" "We need more police patrolling the area and enforcing the ban."
- 2.10 To what degree were vulnerable community members affected by the amendment of the local law which restricts public drinking?
- 2.10.1 According to feedback from local services, there was no evidence to support the notion that the public drinking laws had an impact on vulnerable community members.
- 2.10.2 Frontline workers from both Council and a number of local services including Star Health, Launch Housing, Alfred Homeless Outreach Psychiatric Service, Salvation Army (Access Health), Sacred Heart Mission, Ngwala Willumbong and Justice Connect provided feedback in relation to incidents where the local law impacted on more vulnerable people within the community. Those consulted identified no incidences where public drinking laws had resulted in



negative impacts to vulnerable community members. The evaluation specifically considered: -

- Vulnerable individuals - particularly Indigenous and homeless individuals - being selectively targeted for enforcement action;
- Displacement of public drinking and the risk of individuals becoming more isolated;
- The ability of vulnerable people to access support and services; and
- The inability to pay fines which escalates disadvantage.

2.11 Community intercept surveys of the 161-people surveyed 21 per cent (34) expressed awareness of the local law trial causing disadvantage, 73 per cent (118) people had not been nor knew of a person who had been disadvantaged by the amendment to the law.

2.11.1 It should be noted community researchers identified that respondents tended to consider broader or personal disadvantages associated with drinking bans rather than the impact on vulnerable community. For example, "People should be able to drink at park and beach." "People should be allowed to drink in public unless they are making a nuisance."

2.12 The findings of the current evaluation report considering Port Phillip's public drinking laws is consistent with 9 out of 12 international and local evaluation studies around the indicators of perception of safety, amenity and crime.

2.13 Important to this evaluation is the recognition that at the same time that the public drinking laws were enacted, Council had initiated a number of concurrent activities including

- 2.13.1 community messaging campaign, the review and update of existing signage in the municipality, direct communications with the Port Phillip Licensee Association and trader's associations.
- 2.13.2 engagement with liquor outlets around responsible service of alcohol practices.
- 2.13.3 partnering with specialist health, legal and Aboriginal organisations around drug and alcohol harm minimisation.
- 2.13.4 Crime Prevention through Environmental Design (CPTED) being incorporated into council street work projects
- 2.13.5 What's Your Story? An Alcohol Cultural Change initiative around 18 to 24 years old who visit late night entertainment precincts.



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3. RECOMMENDATION

That Council:

- 3.1 Notes that the amendment to Local Law No 1 restricting the consumption of alcohol from all streets and roads at all times of the day and night has complemented other strategies to improve amenity, strengthen perceptions of safety and reduce alcohol related anti-social behaviour while having a minimal impact on citizens.
- 3.2 Continues permanently the Local Law No 1. restricting the consumption of alcohol from all streets and roads at all times of the day and night in the City of Port Phillip.
- 3.3 Continue with the stipulation that Victoria Police are strongly encouraged to use discretionary powers, 'tip out' orders, treatment referral and warnings rather than immediate fines that may further disadvantage vulnerable residents.
- 3.4 Designs and implements future street work improvements in accordance with Crime Prevention Through Environmental Design (CPTED) principles that consider how physical public space can improve perceptions of safety and reduce opportunistic crime.
- 3.5 Continue to work in partnership with community organisations and police to monitor impact of the community's most vulnerable citizens.
- 3.6 Extends its gratitude to all Port Phillip residents, traders, visitors, representatives from specialist health, legal and Aboriginal organisations, and Victoria Police who contributed to the community engagement process.

4. KEY POINTS/ISSUES

- 4.1 Consumption of alcohol is controlled under the City of Port Phillip Local Law No. 1. (Community Amenity).
 - 4.1.1 There is a 24-hour ban on drinking or holding an open container of alcohol on all roads (including footpaths) anywhere in the municipality – the subject of this Council report.
 - 4.1.2 The St Kilda Skate Park, Marine Parade, St Kilda are subject to a 24-hour ban on drinking or holding an open container of alcohol.
 - 4.1.3 There is also a 24-hour ban on drinking or holding an open container of alcohol along the St Kilda foreshore precinct from 1 November to 31 March inclusive.
 - 4.1.4 There are public drinking restrictions specific to significant dates including the New Year period (3 December – 2 January), Australia Day weekend, St Kilda Festival and Grand Prix.
 - 4.1.5 These bans do not apply to outdoor licensed dining areas or permitted outdoor events.
- 4.2 In November 2013, Council received a petition with 433 signatories requesting amendment of Council's policy on the consumption of alcohol in public places on Carlisle Street, Balaclava. The petition was raised to "address the increased safety risk to businesses, staff and customers from the perception of groups of intoxicated people".



- 4.3 In response to the 2013 petition, Council officers proposed an initiative to activate Carlisle Street shopping strip. This included a range of activities as well as a six-month trial to amend the Local Law No. 1 to designate 24-hour alcohol free area along Carlisle Street. Council endorsed the activation initiative, however, this did not include the introduction of the six-month trial prohibiting street drinking.
- 4.4 In June 2017, Council, in partnership with Victoria Police, held a Community Safety Forum at St Kilda Town Hall. The forum was attended by over 50 residents and traders. The consumption of alcohol in public places was the dominant issue of concern, with participants requesting for Council to review the Local Law regarding public drinking.
- 4.5 In August 2017, Councillors were briefed of ongoing community concern, particularly traders, about the impact of small groups coming together to publicly consume alcohol in the Carlisle Street, Balaclava. This was presented to Council in the form of a petition with 809 signatories and called on Council to introduce a 24-hour ban prohibiting the open consumption of alcohol along Carlisle Street. Residents, visitors and traders reported feeling unsafe due to the presence of intoxicated persons and related antisocial behaviours. Traders also reported that the antisocial behaviour was affecting their businesses.
- 4.6 Members of the Port Phillip Licensee Association also voiced support for Council to introduce measures to reduce the consumption of alcohol in public spaces. For licensees this restriction is thought to prevent alcohol management issues such as 'side loading' whereby people can purchase low cost alcohol that is consumed off premises. Licensees can be then left to manage intoxicated patrons who have not been served excessive alcohol by their venue.
- 4.7 The local law came into effect on 24 November 2017 and will remain in place as part of a two-year trial regarding the consumption of alcohol in public places until the 4 October 2019. Should Council decide to continue the local law restricting public drinking on streets and footpaths, it will be gazetted on 10 October 2019.
- 4.8 The local law prohibits alcohol consumption on all streets and roads in Port Phillip at all times. This includes nature strips, laneways, and bicycle and pedestrian pathways.
- 4.9 The local law was introduced as a two-year trial to promote safety on our streets, in response to concerns about public drinking and alcohol related issues including antisocial behaviours.
- 4.10 Council's aim for the trial was to help reduce the amount of alcohol related harm and promote streets that feel safe for all people to enjoy.
- 4.11 Over the trial period Council has implemented complementary strategies to the local law to respond to public drinking. Council has:
- 4.11.1 Developed and implemented a community messaging campaign which aims to increase awareness of local public drinking laws within the City of Port Phillip. The campaign included posters in packaged liquor outlets, websites updates, review and update of existing signage in the municipality, and direct



- communications with the Port Phillip Licensee Association and trader's associations.
- 4.11.2 Supported direct engagement with liquor outlets and ensuring licenced premises continue to engage in responsible service of alcohol practices.
 - 4.11.3 Partnered with specialist health, legal and community organisations around drug and alcohol harm minimisation.
 - 4.11.4 Supported Crime Prevention through Environmental Design (CPTED) has been incorporated within council street work projects as per safe design guidelines.
 - 4.11.5 Delivered *What's Your Story?* An Alcohol Cultural Change initiative which aimed to improve the drinking culture amongst young adults aged 18 to 24 years old who visit late night entertainment precincts through the collection and sharing of stories. The project was funded by VicHealth and was in partnership with the City of Melbourne and the City of Stonnington.
- 4.12 The Community Safety Plan, which takes a holistic, multifaceted approach to community safety was adopted at the Council meeting of 4 September 2019. One of the three priority areas – Living Healthy – incorporates a range of strategies around alcohol and other drugs.
- 4.13 Over the course of the trial, Council has received two enquiries with regards to the alcohol bans impacting on Neighbourhood Ngargees or street parties. In the 2017 / 2018 season, 27 street parties were supported by Council. This is reduced to 23 over 2018 / 2019 season. There is no evidence that the restrictions had any impacts on the value of the Neighbourhood Ngargee program.
- 4.13.1 The Victorian Commission for Gambling and Liquor Regulation (VCGLR) advise that Liquor licenses do not override local laws. Instead, they work in parallel with the local law. If the local law bans the consumption of alcohol on a public street then a temporary limited licence could not be applied.
 - 4.13.2 While Neighbourhood Ngargee events must comply with the local law amendment, participants could consider other options if consumption of alcohol is a preference. This may include designating areas for consumption of alcohol within private property boundaries or parks.
- 4.14 Neighbouring local government areas do have restrictions on consuming alcohol in public places: -
- 4.14.1 The City of Melbourne bans the consumption of alcohol in public places in the central business district 24 hours a day, 365 days a year. Responsible consumption of BYO alcohol is permitted in the City of Melbourne's public parks and gardens by individuals or groups of 50 people or less. Restrictions do apply for some specific locations during special events like Moomba and New Year's Eve.
 - 4.14.2 The City of Stonnington does not allow the consumption of liquor in any public places without a permit.
 - 4.14.3 The City of Glen Eira have restrictions in the form of the Caulfield Alcohol Free Zone on Race Meeting Days.



4.14.4 The City of Bayside does not allow the consumption of alcohol on any roads at any time (unless a permitted event or space).

4.15 On the 22 August 2019, the Victorian Government announced that it will be decriminalising public drunkenness and replacing it with a health-based response, in order to provide vulnerable Victorians with appropriate help and support. The new model will promote therapeutic and culturally safe assistance to alcohol affected people who may be impacted by other issues including homelessness, mental illness, family violence and substance dependency.

An expert reference group will be established to provide advice about the decriminalisation and the development of an alternative, health-based response. The Group will consist of representatives from specialist health, legal and Aboriginal organisations, plus the Victoria Police.

5. CONSULTATION AND STAKEHOLDERS

5.1 As part of the community consultation associated with the recently adopted Community Safety Plan, questions regarding public drinking were included in this process. Specifically, the consultation included: -

5.1.1 Two half-day workshops in mid-April 2019, with 78 attendees including community members, specialist health, legal and community organisations, Victoria Police and Council officers.

5.1.2 A total of four focus groups. The first focus group involved people considered to be the most vulnerable in community. This was achieved through RedRoad Consulting, Voices of South Side (VOSS) community researchers who have a lived experience of homelessness and a council officer attending the Father Bob's Community Dinner at Peanut Farm Reserve, on 26 May 2019, to have informal conversations with vulnerable community members.

5.1.3 The second group involved residents and local traders.

5.1.4 The third group involved specialist health, legal and community organisations and Victoria Police.

5.1.5 An additional, fourth, focus group was undertaken, due to further interest from residents and local traders.

5.2 Specific consultation around public drinking has taken place via key informant interviews with a range of stakeholders including: -

a). Victoria Police;

b). Local traders;

c). Residents including individuals who drink alcohol in public places; and

d). Representatives from specialist health, legal and community organisations including Salvation Army (Access Health), Star Health, Sacred Heart Mission, Launch Housing, Ngwala Willumbong, Justice Connect, First Step and Alfred Mental Health.

5.3 Intercept surveys occurred on Carlisle Street, Balaclava and Acland Street, St Kilda on 20 September 2019. The snapshot surveys were administered by Voices of the South Side (VOSS) community researchers, who have a lived experience of homelessness.



These locations were chosen based Carlisle Street being the location of the initial petition and a heightened level of community concern with regards to revitalising Acland Street. A total of 162 surveys were completed.

- 5.4 The views of other residents, traders and visitors were also considered through the assessment of Customer Relations Management System entries over the past three years.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Given the relatively high levels of alcohol related harms in the City of Port Phillip, there is a risk for Council in not continuing to respond to residents' risk of harm from alcohol and reducing the alcohol related harms within the community.
- 6.2 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.
- 6.3 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.
- 6.4 Antisocial incident attracts negative media, impact on the reputation of the City and increases negative perceptions of safety
- 6.5 Council has met its obligations under the relevant legislation including the *Privacy Act 1988* and *Charter of Human Rights and Responsibilities Act 2006*.

7. FINANCIAL IMPACT

- 7.1 The current evaluation indicated that there was improved amenity with a significant reduction of 24% in enquiries and complaints in regard to public drinking as documented through the Customer Relations Management System, releasing officer time to deal with other Council Plan priorities.
- 7.2 If the local law regarding public drinking on streets and footpaths is discontinued, signage across the municipality will have to be replaced to reflect only the foreshore restrictions. Costs would include design, supply, installation and project management estimated to be approximately \$30,000. Similarly, all collateral advertising across the entire realm of public drinking laws would need to be adjusted to reflect the changes at an estimated cost of approximately \$12,000.

8. ENVIRONMENTAL IMPACT

- 8.1 A high volume of litter waste is generated from alcohol related products.

9. COMMUNITY IMPACT

- 9.1 The ban has had a positive impact in addressing trader concerns in relation to behaviours associated with the public consumption of alcohol is having a negative effect precinct vitality and trade.



- 9.2 Community members canvassed through intercept surveys have generally supported a continuation of the ban.
- 9.3 The risks associated with public safety are reduced and/or mitigated.
- 9.4 Perception of safety is enhanced.

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 sustainable reduction in waste. Work towards outcome by managing waste collection to improve amenity and achieve cleaner streets and public spaces.

10.3 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.

10.4 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.

10.5 The following relevant health and wellbeing outcomes are documented within the Council Plan;

Unfavourable

- Criminal offences – The rate of criminal offences is among the highest in the state.
- Alcohol related harm – Significant greater number of residents identified as being at risk of short-term harm from alcohol; and the number of people identified as being at very-high risk of short-term harm is one of the highest in the state.
- Alcohol consumption – Significant greater number of residents who agree that getting drunk every now and then is okay.
- Alcohol related injuries – Significantly higher rates of alcohol related ambulance attendances, hospitalisations and assaults.



Favourable

- Personal safety – Almost two-thirds of Port Phillip residents feel safe walking alone in their local area after dark, which is significantly more than the state average.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 This report is seeking endorsement that the Local Law No 1. restricting the consumption of alcohol from all streets and roads at all times of the day and night for the City of Port Phillip continues permanently.

11.1.2 If agreed, the continuation of alcohol restrictions for streets and footpaths would be gazetted on 10 October 2019.

11.1.3 The Community Safety Plan incorporating the Crime Prevention Through Environment Design (CPTED) principles inform alcohol and community safety planning.

11.2 COMMUNICATION

Key Messages:

- Council understands the level of community concern about the behaviours of those who drink excessive amounts of alcohol in public places.
- Responding to reduce the harms associated with public drinking is complex and the rights and inclusion for all must be considered.

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: 42/11/133

ATTACHMENTS 1. Public Drinking on Streets and Footpaths Evaluation Report
Final October 2019