

Yarra City Council

Consumption of Liquor in Public
Places Legislation – Stakeholder
Engagement

Summary of Key Findings

April 2021

1 Background and Purpose

Like most municipalities in Victoria, Yarra City Council has restrictions on drinking in public places. A local law for this purpose was first introduced to Yarra in 2009 and was called *Local Law 8*. That law expired (sunsetting) in 2019 and was replaced with the current local law – the *Consumption of Liquor in Public Places Local Law*. This law restricts people from consuming alcohol or possessing an open container of alcohol in any public place in Yarra, except for public parks between 9.00am–9.00pm. The other exceptions to the law are if a person is at a licensed venue or event. No consumption of alcohol is allowed in Yarra’s parks from 9pm the day before New Year’s Eve until 9pm on New Year’s Day, or from 9pm on January 25 through to 9pm on January 27.

This Local Law was put in place for only two years to enable officers to conduct additional consultation and research to look at different available options. This Local Law is now due to sunset on 19 October 2021.

The purpose of this project was to consult with key stakeholder groups to identify their views about possible options to replace the current law.

2 Approach

Four online workshops were held with the following groups:

1. Social and health services (Cohealth, NRCH, Access Health and Community, Victorian Aboriginal Health Service, YSAS, etc)
2. Activity and entertainment precincts (liquor licensees, business owners, Victorian Commission for Gaming and Liquor Regulation, etc)
3. Frontline responders (Ambulance Victoria, Melbourne Fire Brigade, hospital emergency departments reps, Victoria Police, outreach workers, etc)
4. A session including representation from all three stakeholder groups.

Consultation with Aboriginal and Torres Strait Islander people has already taken place.

Kerryn Alexander Research designed the approach, facilitated each of the online workshops and compiled this report.

The City of Yarra had the following roles:

- Invited participants to sessions and managed the online platform.
- Participated in the development of the guide for each session.
- Provided materials (PowerPoint slides) to be shown during each workshop.
- Provided background information to participants prior to attending the sessions.
- Undertook note-taking during the sessions.

The notes from each session including a list of participants for each session are provided in Attachment 3 and have been reviewed by Kerryn Alexander Research to ensure that they adequately reflect the issues raised.

This report provides a summary of the key issues arising from each workshop.


3 Key Findings

Individual stakeholder workshops

Aim:

The aim of the individual stakeholder workshops was to identify advantages and disadvantages of three possible options following the sunseting of the current local drinking law.

The three options, identified by City of Yarra, were as follows, and are shown in detail in Attachment 1:

Possible options: 

Option 1: *The law sunsets and is not replaced*

Option 2: *A new law is created that regulates specific events*

Option 3: *A new law is created that regulates specific places and times*

Overview

- Differing and strongly held views were expressed by the three stakeholder groups.

Key findings for Social and Health Services

- Option 1 was strongly preferred by all participants
- The key disadvantages identified for Option 1 were: the potential for escalation (eg anti-social behaviour and drunkenness) and the potential for increased negative perceptions about street drinkers by the public.
- Strong concerns were raised that Option 3 is discriminatory particularly towards those who are less likely or able to drink at home or in licenced venues, including Aboriginal people and homeless people.
- Option 2 was considered to be less discriminatory than Option 3 as it was seen to apply more equally to all members of the community.
- Another option suggested was a variant of Option 1 but to have some public places nominated as 'dry'. The group did not want this option be enforced by Police but could not identify another source for enforcement.

Key findings for Activity and Entertainment Precincts

- This group strongly preferred Option 3 (with entertainment precincts nominated as non-drinking locations, particularly in the evening) or the current local drinking law.
- Key advantages identified for Option 3 were: preserving amenity around venues (eg reducing street drinking outside venues and associated noise, rubbish, broken bottles and potential anti-social behaviour) and allowing venues to more easily implement Responsible Serving of Alcohol (RSA) requirements as patrons were less likely to have started drinking before entering the venue.
- Licensees commented that the current local drinking law (and Option 3) allowed them to prevent drinking outside their venues without necessarily calling the Police.
- Option 2 was not seen as any more helpful than Option 1 in managing day to day issues for Licensees.
- Another option suggested was to have public areas where public drinking is allowed, however there was no further response to this idea.

Key findings for Frontline Responders

- Strong concerns were raised in relation to Option 1 about police having no power to enforce public drinking and therefore to prevent escalation of negative behaviours.
- There was a preference for a blend of Options 2 and 3, as Option 3 alone would not address large groups getting out of hand during and following events such as the AFL Grand Final.
- The view was expressed by one participant, that homeless people would not comply with any public drinking law.

Common Issues

Across all groups enforcement and communication were raised as key issues:

- Communication to the general public (including Yarra residents and incomers) would be crucial to the successful implementation of any local law.
- Any law would only be successful to the extent that it was enforced, but also enforced in a sensitive way towards chronic drinkers, homeless and Aboriginal people. The Smith Street Working Group was identified as a positive example of this approach.

General group workshop

Approach:

The approach to the final workshop that included participants from all stakeholder groups, was to present two potential scenarios representing possible outcomes following the sunset of the current public drinking law. The scenarios were presented in the context of three case examples, resulting in six different situations.

The aim of the workshop was to identify potential risks for each scenario/case study and ways these risks could be managed or ameliorated.

The two scenarios were as follows:

Two scenarios



SCENARIO 1:

There is no longer a local law that prohibits drinking in public places in Yarra. Other tools, such as policies, social initiatives and health programs may be in place to target alcohol harms.

SCENARIO 2:

There is a local law that regulates consumption of liquor in public places with a focus on episodic harm (and not chronic harm), as articulated in a preamble that references Yarra's social policy on alcohol. This bylaw restricts drinking in parks at night between 9pm and 9am, and at various times in places such as entertainment precincts and roadways.

The three case examples are shown in detail in Attachment 2, and illustrate the following situations, which were commonly mentioned during the three individual stakeholder workshops:

Three case studies



Imagine it's December 2022 and public drunkenness is no longer an offence in Victoria.

What are the potential outcomes for each scenario for each of the following case study examples?

1. Entertainment precincts during events and peak weekend periods
2. Day-time drinking on footpaths
3. Drinking in parks and gardens

Key findings:

Two key risks were identified in the group stakeholder workshop:

1. The key risk associated with Scenario 2 (a local law regulating alcohol consumption in public places at certain times and places) was that such a law would discriminate against vulnerable groups including Aboriginal people and homeless people who were drinking alcohol in public places, and may result in these people entering the criminal justice system, with potential negative outcomes such as fines and criminal records.

This risk was most clearly illustrated by Case Study 2: Daytime drinking on footpaths/Scenario 2: With a local drinking law

The main way identified to manage this risk was through cooperative arrangements between Police and people who drink in public places, such as the Smith Street Working Group.

Other approaches suggested to manage these risks that received mixed support included:

- < Providing places where people could legally drink in public.
- < Educating residents (who may complain to Police or Council) about tolerance towards all members of the community.

2. The key risk associated with Scenario 1 (no local law prohibiting drinking in public places) was the impact of people drinking in entertainment precincts in the immediate vicinity of licensed venues in the evening, and impacting on Licensees' ability to manage Noise and Amenity plans and the Responsible Serving of Alcohol (RSA) requirements of liquor licences to patrons who may have already commenced drinking before entering the venue.

This risk was illustrated by Case Study 1: Entertainment precincts/Scenario 1: Without a local drinking law

No clearly agreed approach to managing this risk was identified other than Police being called if the situation escalated.

It was noted that a law regulating drinking in public in the immediate vicinity of a venue would provide support to Licensees to move people on, without necessarily calling Police.

3. It was noted that the two scenarios presented for the group workshop did not specifically cover public events such as the AFL Grand Final and New Year's Eve within and adjacent to Yarra, and that there were risks associated with public drinking in these situations if there was no local drinking law or public drunkenness legislation to enable Police to intervene before the situations escalated.

Common ground

There was little opposition to a local law prohibiting drinking during public events and in the immediate vicinity of entertainment venues in the evening, providing the law was designed and enforced in such a way that it did not discriminate against vulnerable people including the homeless and Aboriginal people.

When this summary was provided back to the group at the end of the workshop, no opposition was raised.

Attachment 1: Options to replace current local drinking law

Option 1: The law sunsets



Council allows the current law to sunset and does not replace it with another law.

Considerations:

- Alcohol harm could be addressed through supporting health promotion and services to connect with people.
- Behaviours could be addressed by Victoria Police using powers available through the *Summary Offences Act*.

Option 2: A law that regulates specific events



Council creates a new local law that restricts alcohol consumption in public places, to coincide with big events and occasions only.

Considerations:

- Under this option Council could prescribe that there be no alcohol consumption permitted in public places (e.g. in parks and on streets) during events such as Grand Final Day (and eve), New Year's Eve and January 26.
- There would be no specific restriction at other times, but the law could allow for Council to create new event-focused restrictions on an as-needs basis, or regulate public drinking around entertainment precincts during busy periods.

Option 3: A law that regulates specific places and times



Council creates a new local law that prescribes places and times across the municipality when public drinking is not permitted, without only targeting events or entertainment precincts.

Considerations:

- This law could specify that there are certain places and times at which public drinking is not permitted in Yarra. For example, drinking might not be allowed in Yarra's parks from 9pm to 9am.
- Although some restrictions may coincide with a particular event (e.g. New Year's Eve), the incidence of an event would not be necessary for there to be restrictions placed on the consumption of alcohol.

Attachment 2: Scenarios and case examples

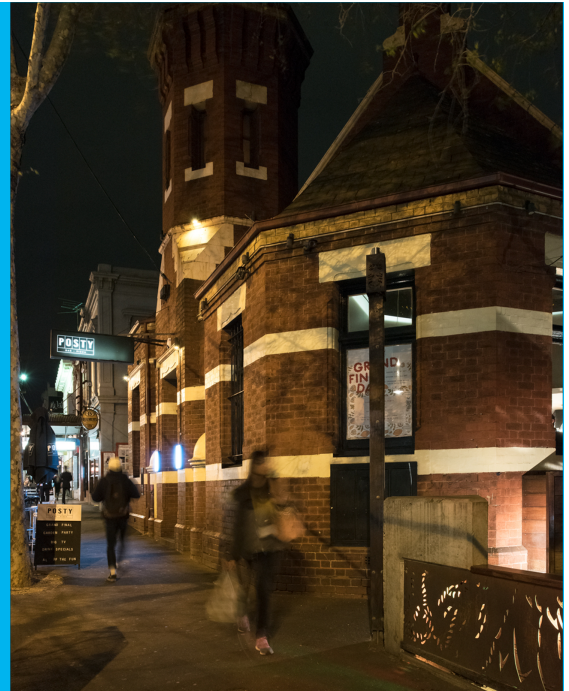
Case study 1: Entertainment precincts Scenario 1: Without a local drinking law

It's 8pm on a Friday night, 6-8 men in their early 20s have gathered outside a licensed venue on the corner of Brunswick Street and a side road, drinking from a slab of beer and taking turns swigging from a bottle of bourbon. They are talking and laughing loudly and playing music on their phones.

A number of complaints have been received from local residents and passers-by of 'anti-social behaviour' occurring and perceptions of feeling unsafe, reported to the local police station and to Council. Patrons are starting to queue in close proximity to the gathering of men to gain entry into the licensed venue.

QUESTIONS:

1. What are the risks? Use real examples
2. How could these risks be managed or ameliorated?



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Case study 2: Daytime drinking on footpaths Scenario 1: Without a local drinking law

It's approaching 2.30pm on a Tuesday afternoon and there are 2-3 people sitting on the footpath outside the entrance to Woolworths on Smith Street, drinking a six-pack of beer cans and talking amongst themselves. A number of complaints have been received from local residents and passers-by of 'anti-social behaviour' occurring and perceptions of feeling unsafe, both reported to the local police station and to Council.

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2. How could these risks be managed or ameliorated?



Case study 2: Daytime drinking on footpaths Scenario 2: With a local drinking law

It's approaching 2.30pm on a Tuesday afternoon and there are 2-3 people sitting on the footpath outside the entrance to Woolworths on Smith Street, drinking a six-pack of beer cans and talking amongst themselves. A number of complaints have been received from local residents and passers-by of 'anti-social behaviour' occurring and perceptions of feeling unsafe, both reported to the local police station and to Council.

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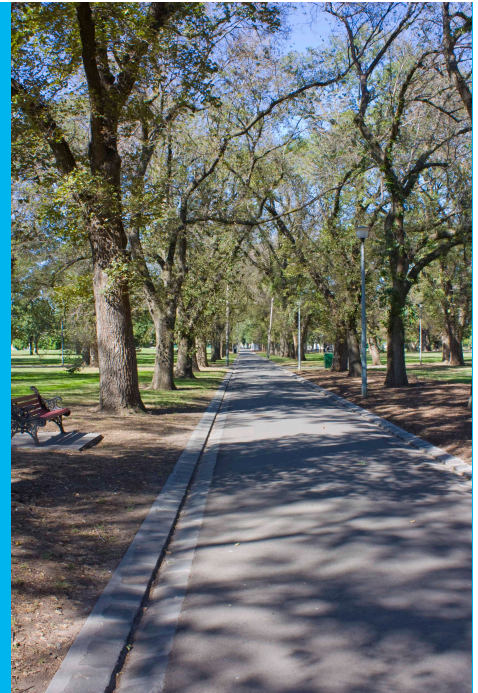


Case study 3: Drinking in parks and gardens Scenario 1: Without a local drinking law

It's 5pm on a warm Saturday afternoon in Edinburgh Gardens and a 40th birthday is underway. By 8.30pm, music, singing and dancing emerges amongst the gathering of about 40 people. A number of complaints have been received from local residents and passers-by of 'anti-social behaviour' occurring and perceptions of feeling unsafe, both reported to the local police station and to Council.

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Case study 3: Drinking in parks and gardens Scenario 2: With a local drinking law

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