
8.1 Adoption of proposed amendment to the General Local Law related to the consumption of liquor in Yarra's public places

Executive Summary

Purpose

To report back to Council as to the feedback received during the public exhibition period on the proposed local law and to present a final proposed local law for adoption.

Key Issues

This report represents the culmination of a two-year process of consultation and research into options for managing the consumption of liquor in Yarra's public places. It proposes an amendment to Yarra's General Local Law be adopted by Council.

Following the Council resolution at the meeting on 7 September 2021, a proposed local law, which if adopted would form part of Yarra's General Local Law, was put on public exhibition as part of the statutory process for proposing a local law in accordance with the *Local Government Act 2020*. This report outlines and addresses the themes heard in the 45 submissions received during that public exhibition period, which ran from 8 to 29 September 2021.

The reports previously brought before Council in March, July and September 2021 provided research into responses to the public consumption of liquor by state and local governments, the experiences of communities, academic research and other pertinent policy and social considerations in the current and past policy landscape. Detailed consultations have been undertaken with the Aboriginal and Torres Strait Islander community, stakeholders who have an active interest in the local law and its impact, and with the broader community as a whole, and reported back to Council.

Local laws are a mechanism to educate and communicate expectations to community. For example, Yarra's family-friendly programming in Edinburgh Gardens on New Year's Eve makes use of the local law to communicate that the event is to have no alcohol consumption and so as to be friendly for all ages. Similarly, it enables officers to promote behavioural expectations to our many visitors during big events, such as Johnston Street Fiesta and Lunar Festival, and on occasions such as AFL Grand Final Day in the Richmond area.

This report presents a recommendation as to how to reach an effective balance of considerations through a proposed new local law that is targeted, nuanced to Yarra's unique context, responsible to the community and responsive to social issues and needs. The proposed local law takes into account community feedback, research, benchmarking and Council's responsibilities under the *Local Government Act 2020*.

Officers note that there are time-sensitive legislative requirements for any local law to be put in place and that the current local law is set to sunset (expire) on 19 October 2021.

Financial Implications

Some budget would be required for ongoing monitoring and evaluation activities to take place during the four years until the General Local Law sunsets, and for an in-depth consultation with Aboriginal and Torres Strait Islander community to take place in 2024–25 financial year. This will be costed and allocated within Council's existing budgeting processes.

PROPOSAL

That Council:

- (a) endorses the proposed amendment to Yarra's General Local Law with regard to the management of consumption of liquor in public places, and the amended guidelines proposed as additions to the Procedures and Protocols Manual (see Attachments 1 and 2), in accordance with the power to make local laws prescribed in Section 71(1) of the *Local Government Act 2020*;
- (b) notes that the proposed amendment to the General Local Law is certified as being consistent with the requirements outlined in Section 72 of the *Local Government Act 2020*, including compatibility with the *Charter of Human Rights and Responsibilities Act 2006* (see Attachment 3);
- (c) notes the extensive community consultation process that has occurred over multiple opportunities and an extended period of time, (including during the most recent public exhibition period), that considered various options for the future management of consumption of liquor in Yarra's public places;
- (d) notes that stakeholders appreciate Council's responsibilities to promote local amenity and community safety, recognise the negative impacts consumption of liquor local laws can have upon people experiencing vulnerability in our community and understand the need for safeguards to ensure people are not unfairly and negatively impacted;
- (e) notes that the proposed local law and accompanying proposed Procedures and Protocols Manual (see Attachments 1 and 2) seek to promote public amenity and community safety – including within entertainment precincts and for major events – while supporting harm minimisation, and the exclusion from enforcement, for people who are physically, psychologically, socially, culturally or economically vulnerable;
- (f) endorses the list of elements outlined in this report that will form the basis of an evaluation and monitoring plan for the consumption of liquor in public places provisions in the General Local Law; and
- (g) notes that the current local law is set to sunset (expire) on 19 October 2021.

8.1 Adoption of proposed amendment to the General Local Law related to the consumption of liquor in Yarra's public places

Reference	D21/122284
Author	Sarah Ernst - Policy Advisor
Authoriser	Director Community Wellbeing

Purpose

1. To seek Council endorsement of the proposed amendment to Yarra's General Local Law with regard to the management of consumption of liquor in public places, and the amended guidelines proposed as additions to the Procedures and Protocols Manual (see Attachments 1 and 2), in accordance with the power to make local laws prescribed in Section 71(1) of the *Local Government Act 2020*.
2. To confirm that the proposed amendment to the General Local Law is certified as being consistent with the requirements outlined in Section 72 of the *Local Government Act 2020*, including compatibility with the *Charter of Human Rights and Responsibilities Act 2006* (see Attachment 3).
3. To note that this proposed law was informed by several years of research and extensive consultation with stakeholders, experts, peers, affected parties and the broader general public, including community engagement, broad public consultation and published notices in accordance with the requirements of Section 73 (2–5) of the *Local Government Act 2020* and Council's Engagement Policy. (It must be noted, however, that the proposed law could not be displayed at Council offices due to the current and on-going public health emergency restrictions relating to the Covid-19 pandemic.)

Critical analysis

History and background

4. This proposed new local law (see Attachment 1), presented to Council for endorsement, comprises the amendment of the existing General Local Law to include a part on the management of the consumption of liquor in public places, to be guided by additions to the Procedures and Protocols Manual (see Attachment 2).
5. The proposed new local law resulted from a broad community engagement period, in which officers fielded 820 submissions, preceded by two stages of extensive research and in-depth, targeted stakeholder consultation. All of the resultant information has been presented to Council in reports on 30 March, 20 July and 7 September in 2021.
6. Following the most recent report to Council on 7 September, at which it was resolved to make amendments to the draft of the proposed law and make the proposed monitoring and evaluation process more robust, officers undertook a public exhibition process, displaying the proposed law and inviting submissions, in accordance with the statutory processes of Section 73 (2–5) of the *Local Government Act 2020*.
7. The submissions received during the public exhibition period numbered 45 and the themes are outlined in the 'Discussion' section of this report, below.
8. This overall body of work responds to Council Resolution Item 6372 on 8 October 2019. It was resolved at that meeting that the current law be in place for two years (instead of the usual 10-year local law period) during which time officers were to undertake research, consultation, and investigation of alternatives to the current local law.

9. The current *Consumption of Liquor in Public Places Local Law 2019* replaced a previous, similar law, which was in place from 2009 to 2019 (*Local Law 8*). It will sunset (expire) on 19 October 2021.
10. The current Local 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 and 9.00pm. The other exceptions to the law are if a person is at a licensed venue or event. The current Local Law also specifies that there be no consumption of alcohol in Yarra's parks from 9pm the day before New Year's Eve (30 December) until 9am on New Year's Day (1 January).
11. As noted in the previous reports to Council report on 30 March, 20 July and 7 September 2021, it is clear from feedback received that the introduction of Yarra's first local law related to consumption of liquor in public places in 2009 – *Local Law 8* – created a deep division in the community, which has continued to influence community perceptions through to the current local law, *Consumption of Liquor in Public Places Local Law 2019*.
12. With the exception of feedback received from two individual Aboriginal Elders, the view of Yarra's Aboriginal and Torres Strait Islander community, and a number of representatives of local not-for-profit health, legal, social and community service providers, has consistently held that *Local Law 8* – and the subsequent but similar *Consumption of Liquor in Public Places Local Law 2019* – is inherently prejudicial towards people who are experiencing vulnerability. This view contrasts with that of other stakeholders who are keen to see a local law in place in order to manage community safety, health and amenity issues in the municipality.
13. Officers are cognisant of these diverse opinions and have sought to ensure a comprehensive consultation process was undertaken to support a balanced and responsive solution. The resulting recommendations are necessarily complex and nuanced, a feature that enables Council to be responsive to contrasting community needs while meeting broader responsibilities related to the promotion of public amenity, safety and health.
14. At the meeting on 30 March 2021, Council endorsed the statement that it:
 - (a) *acknowledges the historical distress and trauma experienced in the Aboriginal and Torres Strait Islander community and that this cannot be separated from this community's perceptions of Local Law 8, which reverberates into the Consumption of Liquor in Public Places Local Law (adopted in October 2019); and*
 - (b) *maintains its commitment to the ongoing dialogue with the Aboriginal and Torres Strait Islander community as it considers the future of local laws for the consumption of liquor in public places, and the means by which a socially just, health-based.*
15. It is noted that Yarra's neighbouring and comparable municipalities all have restrictions around the consumption of liquor in public places. These restrictions are articulated through a combination of geography, time and date, and are incorporated into general or activity-based local laws, as is proposed that Yarra do with this amendment to the General Local Law.

Discussion

16. Several municipalities have additional guidelines for implementation (e.g. Port Phillip and Bayside Councils), as is also proposed here with the updates to Yarra's Procedures and Protocols Manual, which accompanies the *General Local Law*.
17. Importantly, several notable inner-city municipalities (Darebin, Melbourne and Maribyrnong), have a local law that works by exclusion to prescribe specific areas where drinking is restricted in the municipality, instead of prescribing places where drinking is permitted. This is the inverse of the way that Yarra's current local law operates and is another type of change embodied in the proposed new law.

Options

18. It is noted that the issues of public drunkenness and the consumption of liquor in public places are distinct matters, yet in the public eye the strong perception is that they are related. Being drunk in public is a state of being that does not necessitate that liquor be consumed in public, and likewise, drinking alcohol in a public place does not necessarily involve being drunk.
19. To date the process undertaken by officers has been directed to examine public drinking as defined in the current local law, not drunkenness. However, it is important to note that the nature of qualitative data collected throughout the broad community engagement and other stages of consultation is based on the experiential perspective of participants who do not necessarily view the laws and associated issues as distinct.
20. Further, it should be noted that the repeal of public drunkenness as a criminal offence in Victoria does not preclude or prohibit the presence of a local law that restricts public drinking, as is evidenced by many jurisdictions both in Australia and internationally (for example the City of Sydney local law that prohibits drinking in certain public places, despite public drunkenness being decriminalised in New South Wales in 1979).
21. An infringement notice (i.e. the handing out of a ticket or fine) is not a criminal offence. That is, there is no charge sheet or notice to appear in court. Since 2013, only one infringement has been issued and that was later withdrawn by Council as it was determined that the Police Officer had not complied with the requirements outlined in the existing Memorandum of Understanding in a satisfactory manner.
22. Through measures embedded in both the proposed new law and the proposed guidelines in the Procedures and Protocols Manual, more robust social considerations and enforcement requirements, including a mandatory review process for any and all infringements issued, would be ensured. Additionally, the Memorandum of Understanding would be reviewed and updated to reflect these additional requirements.
23. As per the Council resolution on 7 September, any infringement issued in Yarra under the new proposed law would be referred internally to Council's Social Strategy Unit for review. If an assessment against the social vulnerability provisions proposed as part of the new law reveals that the infringement does not comply with these requirements, it would be revoked by Compliance and Parking Services.
24. In maintaining a local law to manage issues concerning the consumption of liquor in public places, Council is ensuring there is an opportunity for any issues to be handled as a civil matter, instead of under the *Summary Offences Act 1966*. A criminal offence results in either prosecution by Victoria Police or by the Office of Public Prosecutions for more serious offences. An infringement fine, even if unpaid, does not result in criminal prosecution.
25. It should also be noted, that under the proposed law, an infringement can only be issued if a person fails to comply with direction to tip out open alcohol, rather than directly as a result of consuming alcohol in a public place.

Large-scale event preparation and management

26. Each year, substantial cost is borne by Council to prepare safety and amenity measures in place to manage the large crowds who congregate in Yarra's public places on significant occasions to celebrate (or commiserate). In particular, the AFL Grand Final weekend and New Year's Eve require extensive planning, staffing and resources at a considerable cost.
27. AFL Grand Final:
 - (a) The AFL Grand Final preparations occur over several weeks lead up, including liaison with local liquor licensees and business traders in and around Swan Street in Richmond, traffic management planning, road closures, extra bins, recycling, additional street sweeping, drinking water, portable toilets, and additional patrols by Yarra's cleansing crews, local laws officers and Victoria Police. In 2019, the cost of these measures totalled \$112,374. (Due to the ongoing COVID-19 pandemic 2019 was the last time an AFL Grand Final was played with an audience at the MCG); and

- (b) When Yarra teams such as Richmond or Collingwood are playing a match in the AFL finals, similar measures are also required. This can take place across multiple weekends of the finals' series.

28. New Year's Eve:

- (a) On New Year's Eve in 2013 a large illegal dance party took place in Edinburgh Gardens that resulted in a clean-up bill of more than \$30,000. In addition to amenity issues regarding amplified noise, large amounts of waste and recycling, broken glass and inappropriate toileting, several assaults also took place. Since that time, Council has implemented a strict ban on drinking in public places in Yarra on New Year's Eve and instead programs family-friendly activities and events in Edinburgh Gardens, and provides extra infrastructure in popular Yarra parks;
- (b) with a local law on consumption of liquor in public places, Council can communicate expectations of behaviour for such gatherings and enable the careful curation of large-scale annual events, thus enabling visitors and residents alike to celebrate safely in public places;
- (c) an alcohol restriction during times of particularly significant events, such as New Year's Eve, also supports Council's efforts to create programmed 'family friendly' spaces and activities that do not focus on alcohol consumption; and
- (d) officers note that, similar to the responses received in the broad community engagement period, the proposed restrictions around New Year's Eve have continued to elicit negative sentiment from a number of respondents in the public exhibition period. This sentiment and the response to the suggestions raised is discussed below in the 'What We Heard' section of this report.

Educational value of the law

- 29. As explained in the previous section through the example of large-scale event planning, local laws are, first and foremost, ways of communicating behavioural expectations in the social context of the municipality, and it is in this that the primary intent of the local law lies.
- 30. Yarra's thriving entertainment economy makes it a popular destination for people from all over Melbourne, and the local law is a mechanism to educate and communicate expectations to people who visit or take up residence in the municipality.
- 31. There is an expectation from the community that Council will look out for their safety, while balancing any measures with the need to recognise and support vulnerability in the population. This type of thinking is emblematic of Council's approach to complex social issues, and consumption of liquor in public places is no exception. To obtain such a balance, authorised enforcement must be nuanced, focused and context dependent – there are situations where an enforcement response is appropriate and others where it is not. In this work, officers are seeking ways to care for, not punish, people who are experiencing vulnerability.
- 32. Education of the complexities and nuanced issues are a necessary part of endorsement for the proposed new local law, and officers will work with stakeholders and educate the community and authorised officers to ensure this balance. Signage would be installed where appropriate, and targeted communications would be undertaken to promote the key elements of this new approach.
- 33. Robust monitoring and evaluation processes would be part of ensuring transparency and accountability, as outlined in detail below.

Cultural Considerations

- 34. With the exception of feedback received from two individual Aboriginal Elders, who believe the existing law should remain in place, the view of Yarra's Aboriginal and Torres Strait Islander community, and a number of representatives of local not-for-profit health, legal, social and community service providers, has consistently held that *Local Law 8* – and the subsequent but similar *Consumption of Liquor in Public Places Local Law* – is inherently prejudicial towards people who are experiencing vulnerability.

35. This view contrasts with that of other stakeholders who are keen to see a local law in place in order to manage community safety, health and amenity issues in the municipality.
36. Officers are mindful of these diverse opinions and have sought to ensure a comprehensive consultation process was undertaken to support a balanced and responsive solution.
37. Further to the above, and as previously mentioned, at its meeting on 30 March 2021, Council endorsed the statement that it:
 - (a) *acknowledges the historical distress and trauma experienced in the Aboriginal and Torres Strait Islander community and that this cannot be separated from this community's perceptions of Local Law 8, which reverberates into the Consumption of Liquor in Public Places Local Law (adopted in October 2019); and*
 - (b) *maintains its commitment to the ongoing dialogue with the Aboriginal and Torres Strait Islander community as it considers the future of local laws for the consumption of liquor in public places, and the means by which a socially just, health-based approach can be promoted.*
38. In terms of the divergence in feedback from two individual Aboriginal Elders, there was a general concern that consumption of alcohol was being conflated with cultural practices during some discussions. Members of the Aboriginal Torres Strait Islander community felt it important to clarify that drinking is not a cultural practice of Aboriginal and Torres Strait Islander people.
39. Harm from alcohol and vulnerability can be more prevalent among this community due to a range of complex reasons including but not limited to widespread inter-generational trauma, extensive and embedded systemic racism, and ongoing socio-economic marginalisation. Officers have sought a way forward that seeks to support any people who need assistance without further marginalising or stigmatising them, regardless of their culture or situation.

Relationship between police and community

40. Throughout the research and consultation process, it has become apparent to officers that the relationships once held between the Aboriginal and Torres Strait Islander community and Victoria Police in Yarra, have deteriorated. Although it is difficult to untangle the exact touchpoints between the community and Victoria Police, discussions have revealed that relationships are not what they once were. There is some recognition that this is due, in part, to the turnover of community service workers and local police members with established relationships but also due to some people having moved on, passed away or ceased street drinking.
41. To rebuild these relationships, officers in Yarra's Aboriginal Partnerships Unit has recently re-established the Smith Street Working Group in partnership with the Neighbourhood Justice Centre and Melbourne City Mission. This award-winning working group has been pivotal in building and improving community relationships in the past and is already working to strengthening networks and relationships between community members, service providers, businesses, and law enforcement. Members of the Smith Street Working Group also contribute to the working group for this project and will continue to be actively involved in monitoring and evaluation of the proposed new local law.
42. Members of the Smith Street Working Group would be able to alert officers to any situations that arise from interactions between Victoria Police and community members concerning the new law. Yarra Local Area Command for Victoria Police is one of the stakeholders on the working group, enabling any issues to be communicated and resolved directly.
43. Membership of the Smith Street Working Group will crossover with the local law Monitoring and Evaluation Group, with shared representatives contributing to the work of both groups.

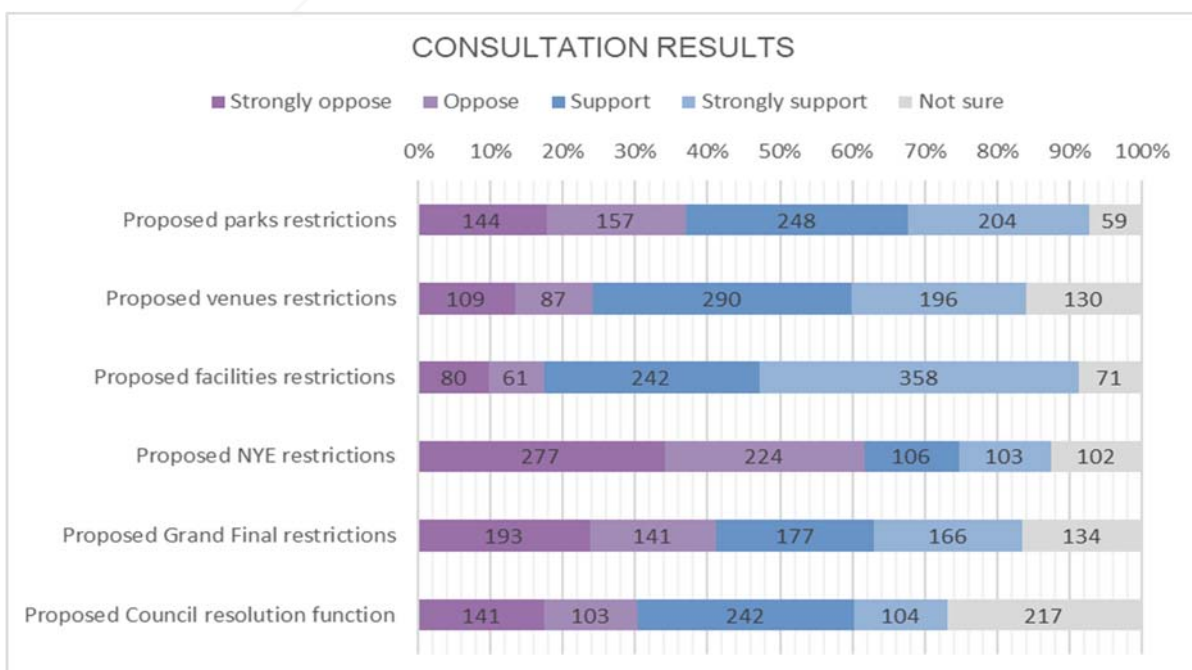
44. There is currently a Memorandum of Understanding (MoU) that outlines an agreement between Council and Victoria Police as to the manner of enforcement of the existing Local Law, and it is intended that a revised MoU would be established if this proposed law is adopted by Council. It is noted, however, that there is no mechanism to determine how closely the MoU is followed, or how effective it is. Officers will attempt to address this through the robust evaluation and monitoring processes set out in the report to Council on 7 September 2021 and associated Council Resolution, which are set out in more detail in the Monitoring and Evaluation section below.

Social and health programs

45. A number of social measures would be put in place to support these changes to the management of drinking in Yarra’s public places:
- (a) As explained above, the Smith Street Working Group has been reconvened and Yarra will continue to participate in this valuable network to improve relationships in the community;
 - (b) During 2022, officers will investigate the development of a harm-minimisation focussed policy concerning alcohol consumption;
 - (c) Officers will work with key stakeholders to identify opportunities for education and training regarding social determinants and vulnerabilities concerning implementation of the new local law; and
 - (d) Ongoing quarterly meetings of a new Monitoring and Evaluation Working Group would ensure that these measures are responsive and effective while also creating a forum for discussion of successes and challenges as they arise.

What we heard: broad community engagement results – July–August 2021

46. As reported to Council on 7 September 2021, the broad community engagement period on the proposed new law, held from 22 July to 19 August 2021, yielded 820 responses, including surveys, emails and other written submissions.
47. The following chart gives an overview and comparison of the support that respondents expressed for each element of the draft proposed law during the broad community consultation stage. It can be seen clearly that there was general majority support overall for the proposed restrictions for parks, licensed venues, family and children focussed facilities, and the measure for Council to be able to alter restrictions by resolution in extraordinary circumstances (as defined and instructed in the proposed Policy and Procedures Manual).



48. On considering these results of the broad community engagement, Council resolved on 7 September to make the following change to the draft law, with regard to the proposed restriction around licensed venues (key differences expressed in *italics*).

Summary of draft restriction	Summary of change to draft law as exhibited
Drinking alcohol is not permitted within 10 metres from the boundary of a licensed area.	Drinking alcohol is not permitted <i>on the footpath adjoining a licensed venue when that venue is open and trading.</i> (This does not apply to outdoor seated areas, which are licensed, <i>and does not apply to licensed venues that mainly sell takeaway liquor, such as bottle shops.</i>)

49. This is the solitary change made to the draft before the local law was proposed through a public exhibition period.

What we heard: Public Exhibition period submissions – September 2021

Overall

50. The Public Exhibition period ran from 8 to 29 September and yielded 45 submissions in total, including written submissions received via Your Say Yarra and via email. Submissions received during this period broadly mirrored the results of the previous broad community engagement. Notably, a majority of the submissions appear to have come from residents in Richmond/Burnley/Cremorne (28.8 percent) and Fitzroy North/Clifton Hill (26.6 percent)
51. Nine submissions (20 percent) were positive and supported that the proposed local law be endorsed without change.
52. A total of 33 submissions (73.34 percent) expressed some form of negativity or mixed sentiment towards the proposed law.
53. Importantly, it is noted that this comprised criticisms from both ends of the spectrum with 26 submissions (57.78 percent) calling for *decreased* restrictions, and five submissions (11.11 percent) calling for *increased* restrictions.
54. The remaining two negative/mixed submissions (4.45 percent) raised broader concerns including how the law would be enforced, and its impact on vulnerable groups, respectively.
55. Three submissions (6.66 percent) were neutral, not indicating any specific position in regard to the law.
56. As noted earlier, 820 people commented on a draft of the proposed law during broad community engagement and the variety of viewpoints expressed is reflected here in the long form submissions process of the Public Exhibition period.
57. Concerns were expressed by some residents around the level of restrictions proposed during special events such as AFL Grand Final Day and New Year's Eve, which it is felt act to curtail responsible celebration of these occasions and favour those who have the means to gather and celebrate in in private licensed venues.
58. In keeping with another prominent theme from the broad community engagement, submitters continued to express concern that the law may impact significantly on vulnerable groups who need public spaces to socialise and congregate, and that the restrictions may more broadly limit people's ability to use and enjoy public facilities and outdoor spaces. This speaks to the need for the social considerations introduced in the proposed law's statement of purpose, and the clear instruction given in the Procedures and Protocol Manual to provide support first to anyone who appears to be experiencing vulnerability, whether that be mental, physical, social, economic or cultural.
59. As outlined below, a robust monitoring and evaluation plan would also be put in place to ensure that the law does not unduly impact on members of our community who require support and understanding.

60. Overall, the themes seen in these submissions reflect those of the broad community engagement as well as issues considered at length in the research, benchmarking and stakeholder engagement undertaken during previous stages of the proposed law's development.
61. Officers have carefully considered every submission within the context of available research to date including benchmarking, the broader policy environment, and stakeholder and broader community engagement. The responses and recommendations made below seek to balance these considerations with Council's responsibilities to promote safety and amenity while supporting experiences of vulnerability in the community.

Element: Parks and gardens: drinking not permitted from 9pm to 9am

Results

62. Eleven of the 45 submissions received made reference to this element.
63. Of these submissions, nine called for fewer or no restrictions in parks. These submissions advocated for the importance of accessing outdoor recreational spaces in Yarra as they provide a space for community to congregate and socialise. Reasons cited were that parks are particularly important for people with limited access to private outdoor spaces (those living in apartments), and people with limited access to licensed venues (young people, families, socio-economically disadvantaged and marginalised cohorts).
64. It was also noted in these submissions that some people feel it is unreasonable to have time restrictions from 9pm–9am because this is seen as restricting people's ability to use public facilities, especially during the summer period when people wish to use the facilities later.
65. Two submissions called for no public drinking in parks at all. These respondents expressed the view that public drinking cannot be sufficiently controlled in parks. The submitters noted past incidents that have resulted in littering, property and the presence of broken glass in Yarra's parks. These respondents were of the view that banning alcohol consumption in parks would encourage healthy behaviour and help residents, families and children to enjoy the space peacefully and safely.

Officer response

66. Yarra is fortunate to have some beautiful – and large – green open spaces, which are well used and loved by residents and visitors alike. Yarra's proximity to central Melbourne means that these parks, much like our entertainment precincts, are popular destinations for outdoor gatherings, parties and events. However, there have also been large-scale illegal parties held in our parks that have caused considerable damage to people, and to the park and surrounding area (through littering, inappropriate toileting and damage to plants, lawns, property and infrastructure). In addition to amenity issues regarding amplified noise, large amounts of waste and recycling, broken glass and inappropriate toileting, several assaults have also taken place because of these parties.
67. In terms of changing the hours in response to Daylight Savings Time, officers researched twilight and daylight hours in the peak of summer around the summer solstice. According to the Bureau of Meteorology website, the timing of the end of the latest twilight in Fitzroy (chosen as an example for its centrality in Yarra), is 9.16pm. This coincides with the summer solstice and surrounding days during the last week in December. The current restriction of permitting alcohol consumption in parks until 9pm falls only 16 minutes short of reaching nightfall on the longest day of the year. Given that the current suggestion of permitting alcohol consumption from 9am to 9pm almost matches sunset times during summer, it seems a balanced approach has already been reached and that this restriction could reasonably be left as is.

68. On balance, an appropriate and manageable restriction on drinking in parks and gardens – which can be easily communicated to all members of the community (and tourists) – would be to maintain a consistent, time-limited restriction across all municipal parks and gardens. The proposed time restriction of not permitting drinking between 9pm–9am is reasonable when considering the general daylight hours across the year, and it equally recognises and responds to residential amenity and safety concerns, where residential areas directly abut Yarra’s many parks and gardens.

69. Given the above considerations, officers recommend that this element stand without change.

Element: Licensed venues: Drinking not permitted on the footpath outside a licensed venue while it is open and trading, with the exception of licensed venues that mainly sell takeaway liquor, such as bottle shops

Results

70. Four of the 45 submissions received during the Public Exhibition period made reference to this element.

71. Two submissions called for fewer restrictions, expressing the opinion that residents and visitors should be able to responsibly enjoy the streets of the Yarra.

72. One submission felt that there should not be an exception for those licensed venues that mainly sell packaged (takeaway) liquor as this was not warranted.

73. Two submissions expressed confusion as to whether the element specified that drinking would be allowed outside of bottle shops.

74. It is noted that there was some confusion around whether this element restricted outdoor dining and drinking at licensed venues. This confusion will be addressed by officers through targeted communications as explained in the response section.

Officer response

75. The complexity of the proposed law is a feature that enables a nuanced response to address different and competing needs in the community. As was the case in the broad community consultation, there was some confusion expressed in the submissions as to where the proposed restriction would apply, and whether this included permitted outdoor trading. Information available on the Your Say Yarra Page website addresses this confusion directly, and officers will ensure that education on this point is highlighted in a targeted communications campaign.

76. It is noted that the wording of the proposed local law is sufficiently clear for education, enforcement and communication purposes, with the restriction applying only to footpaths that are adjacent to the boundary of a licensed area. Permitted outside trading such as parklets or outdoor tables and seating remains unaffected, as this falls within the boundary of a licence. It is only the *public* footpath adjacent to, but outside of, a licence/permit boundary with which this restriction is concerned.

77. This element of the law responds directly to requests heard during the stakeholder engagement from venue managers and business owners for a restriction that will support them in enforcing the amenity requirements of their liquor licenses and deter anti-social behaviour outside their premises. During the broad community engagement period, a majority of submissions also expressed support for a restriction outside licensed venues as it would enable small businesses to meet these responsibilities.

78. Officers recommend that this element stand without change.

Element: Families & children: Drinking not permitted within 10m of a pedestrian entrance to a building mainly used for providing services to families or children

Results

79. Two of the 45 submissions addressed this element specifically, with one simply noting that they agreed with it. The other submitter suggested that the restriction could be more targeted to apply only during the hours of service at such locations so as not to impact on vulnerable cohorts at other times.

Officer response

80. The results of the broad community engagement demonstrated the community's strong support for this restriction. This element is a balanced and appropriate response to issues that arise from the consumption of liquor within 10 metres of facilities that provide services to families and children.
81. Officers are cognisant that, while the restriction to consuming liquor on the footpath adjacent to licensed venues is appropriate to apply only during trading hours, as it is during this time that license considerations must be enforced, consumption of liquor at any time of day at or near the entrance to facilities that service children and families can result in situations that compromise the safety of the people who use these facilities. Accordingly, it seems that the 10 metres of distance and 24-hour applicability of this restriction is appropriate to the need that the restriction seeks to address.
82. Officers recommend that this element stands without change.

Element: AFL Grand Final: Drinking not permitted in Richmond around Swan St near the MCG from 5pm the day before until 9am the day after the AFL Grand Final

Results

83. Six of the 45 submissions (13.33 percent) were made in relation to this element.
84. Five submissions (11.11 percent) called for fewer restrictions on Grand Final Day, while one submission conveyed a preference for the existing law to remain in place.
85. In the submissions that called for fewer restrictions, there was a common suggestion that there be greater allowance for public drinking owing to the nature of the Grand Final celebrations. It was argued by these submitters that there are sufficient laws in place to curtail illegal behaviour, and thus the proposed restrictions in the local law would only serve to prevent celebrations by those who would act responsibly.
86. As with the broad community consultation, there was clearly some confusion expressed in these submissions that the proposed restrictions would have a negative impact on businesses. This is not the case as it would only be drinking in *public* spaces (parks, reserves and footpaths) that would be restricted on the Grand Final weekend, within the geographic boundaries designated in the map included in the proposed law (affecting the Richmond/Cremorne area surrounding the Swan Street precinct only). In this way, the restrictions would provide a level of support to local businesses in that area, by designating licensed venues as the only locations for liquor consumption (other than private homes) on that occasion.
87. The one submission that called for greater restrictions was from a Richmond resident concerned that public drinking among sports fans was a significant issue in the area around the MCG. They stated that in their experience AFL matches fuel antisocial behaviours that damaged private and public property and threaten their personal safety as a resident of the area throughout the entire AFL season.

Officer response

88. Officers are cognisant that while it was made clear from the broad community engagement that there is general acknowledgement of the need for some kind of restrictions to assist in managing the impact of the AFL Grand Final Day activities on residents and businesses, there remains a divergence of opinion as to the level and type of response that is appropriate.

89. Officers are equally aware of the substantial cost borne by Council to prepare public safety and amenity measures to manage the large crowds that congregate in Yarra's public places on significant occasions.
90. Considering the submissions received during the Public Exhibition period, it stands that this element appears to be an appropriate response to manage the issues arising from the consumption of liquor in Richmond around Swan Street near the MCG on the Grand Final weekend.
91. It is considered that this clearly defined, location and time-limited restriction provides a site responsive and nuanced approach to an event unique to the City of Yarra, which happens within a designated period on an annual basis. The proposed restriction also aligns with the substantial pre-planning efforts (and costs) associated with preparing and responding to such events. The non-permanent nature of the restriction ensures it remains localised, event-based and time-limited, minimising impact to those who may be experiencing vulnerability.
92. Officers recommend that this element stands without change.

Element: New Year's Eve drinking not permitted across municipality from 9pm 30 December until 9am on New Year's Day

Results

93. Eight out of 45 submissions expressed a preference for fewer or no restrictions on consumption of liquor in public places for New Year's Eve (NYE).
94. In line with results from the broad public consultation, submissions received during the Public Exhibition period also indicated that some residents feel strongly that the proposed restrictions around New Year's Eve are too harsh.
95. A common theme in these submissions is the view that NYE is a public celebration that people should be able to enjoy responsibly with no restrictions on public drinking.
96. These submissions noted that NYE celebrations have a strong link to public outdoor spaces, such as parks, which are utilised for celebrations by a broad range of people, some of whom have limited or no access to licensed venues due to a variety of circumstances including age, ability and socio-economic factors.
97. These submissions proposed that the restrictions thus impact on people's ability to meet and socialise inclusively with family and friends to celebrate NYE.
98. Three submissions expressed the view that the duration of restrictions (9pm 30 December through to 9am 1 January) is too long, suggesting that the timeframe should be shortened.
99. One respondent noted that the recommendation in the previous report to keep this element of the proposed law the same goes against the level of support received in feedback from the broad community engagement.
100. One submission suggested that the municipality-wide nature of the proposed restrictions in this element impacts on a vast majority of people who would otherwise be consuming alcohol responsibly.
101. The viewpoint that there are already sufficient laws at the police's disposal to address issues with illegal behaviour on NYE was also expressed by five submissions.

Officer response

102. Four submitters offered specific suggestions as to ways that this particular element of the proposed law could be modified. They comprised suggestions to reduce the time period for which the restriction applies (i.e., 4pm on 31 December or 1am on 1 January instead of 9pm on 30 December), to remove the restriction altogether, to only apply the restriction to certain areas (such as specific parks or reserves), and/or to provide support to community celebrations by dedicating resources to additional temporary facilities, amenities, clean up and security.

103. The extension of the restriction on Consumption of Liquor in Public Places Local Law to include a prohibition on all parks and reserves at NYE has been in place since 2014, with the same timeframe as is proposed in this restriction.
104. On New Year's Eve in 2013 a large illegal dance party took place in Edinburgh Gardens that resulted in a clean-up bill of more than \$30,000. In addition to amenity issues regarding amplified noise, large amounts of waste and recycling, broken glass and inappropriate toileting, several assaults also took place. Since that time, Council has implemented a firm ban on drinking in public places in Yarra on New Year's Eve, and instead programs family-friendly activities and events in Edinburgh Gardens, which is perhaps the most contested public space on New Year's Eve.
105. The current NYE response involves extensive preplanning, and a considerable annual budget, plus staff time and other resourcing. Having a local law to communicate these measures and the expectations of behaviour in the Yarra community as we approach the New Year, a time of celebration, is what enables the careful curation of this large-scale planning and popular annual event. Because of this thorough approach to NYE management, celebratory events run smoothly, and Council is able to ensure that visitors and residents alike can enjoy the celebrations in Yarra's public places.
106. On balance, and when considering the proximity of the City of Yarra to the Capital City, and the presence of our dynamic night-time economy, it is considered that this event-based and time-limited restriction to the consumption of liquor in the municipality on New Year's Eve through to New Year's Day remains appropriate. The non-permanent nature of the restriction, which under the proposed law would be in place for a 40-hour period, ensures it remains specific to this stand-alone occasion each year, while the provisions of the proposed law and associated procedure and protocols will minimise impact to those who may be experiencing vulnerability.
107. Given these considerations and the past evidence of the safety risks to the community, officers recommend that this element stands without change.

Element: Council able to prescribe new restrictions by resolution in extraordinary circumstances where there is an immediate safety concern related to drinking in public places

Results

108. There were no submissions received during the Public Exhibition period related to this element.

Officer response

109. On balance, it is considered that the ability to enable Council to prescribe new restrictions by resolution in extraordinary circumstances – where there is an immediate safety concern related to drinking in public places – could be justified. Given that the proposed approach to public drinking is substantially different to the current approach, in officers' view, having a mechanism built in to allow Council to make some modification under extraordinary circumstances seems prudent.
110. It is noted that neither concerns nor support were expressed for this part of the proposed law during the Public Exhibition period, and the specific requirements of the Procedures and Protocols manual largely address the concerns raised during the broad community engagement.
111. Officers recommend that this element stand without change.

Submissions by organisations during the Public Exhibition period (September 2021)

112. Only one submission was received during the Public Exhibition period from an organisation, the Victorian Aboriginal Legal Service (VALS) (see Attachment 4).
113. VALS acknowledged the steps taken by Council to acknowledge the past trauma caused to Aboriginal and Torres Strait Islander people by *Local Law 8*, which carried through to present day.

114. Upon assessing the work to date on drafting the local law, as well as the proposed law itself and the proposed Procedures and Protocols Manual, VALS made the following recommendations:
- (a) *When the Consumption of Liquor in Public Places Local Law 2019 expires in October 2021, the Yarra City Council should not replace it with a new Local Law on public drinking; and*
 - (b) *If the General Local Law is amended to regulate public drinking, the mechanisms in the law which seek to prevent its discriminatory application should be strengthened as follows:*
 - (i) *Authorised Officers must be required to keep records and report publicly on exercise of their powers under Clause 68F of the General Local Law and the Procedure and Protocols Manual. This should include disaggregated data on the number of non-punitive responses provided by Authorised Officers under the law.*
 - (ii) *Complaints about the implementation of the Local Law on public drinking must be considered by a body that is independent of Victoria Police and any other Authorised Officers implementing the law; and*
 - (iii) *If the General Local Law is amended to regulate public drinking, the implementation and impacts of the law should be evaluated in 12 months. This must include specific consideration about the impacts of the regulations on Aboriginal and Torres Strait Islander people.*
115. In relation to the concerns raised by VALS, officers note the following:
- (a) Victoria Police is a special body within the Victorian Public Sector, located within the portfolio of the Department of Justice and Community Safety. The Minister for Police in Victoria is the Honourable Lisa Neville MP;
 - (b) as noted earlier, Victoria Police needs to re-establish and develop their relationship with Yarra's Aboriginal and Torres Strait Islander community;
 - (c) issues, queries or complaints regarding application of the law will be actively sought and received through our network of community partners on a regular basis;
 - (d) Council officers will continue to engage with Victoria Police representatives across multiple forums on the appropriate application of the law, and accompanying social measures (e.g. promoting health-based responses);
 - (e) any and all liquor-related infringements issued under the local law will undergo a secondary review at the Council level, with that review being conducted by Council's Social Strategy team; and
 - (f) given that officers have just concluded an extensive two-year consultation with the Aboriginal and Torres Strait Islander community with regard to the proposed local law, it would be inappropriate to put further consultation to the community on this issue at this time. The time horizon for implementation of the proposed local law would be four years, instead of the usual 10-year timeframe, due to the scheduled sunseting of the General Local Law, and so an in-depth evaluation will be conducted with a view to bring this information to Council in a 2023 report.

Monitoring and evaluation

116. Comments received from stakeholders and community during the broad community engagement period voiced a strong demand for a robust evaluation and monitoring process to support implementation of the proposed local law.
117. Eight of the 45 submissions received during the Public Exhibition period expressed concern as to past issues with enforcement of the local law and the way that a new law might impact on vulnerable people. Robust monitoring and evaluation to oversee the implementation of the proposed law would be essential for ensuring that the social measures incorporated into the law are observed and successful.

118. The time horizon for implementation of the proposed local law would be four years, instead of the usual 10-year timeframe, due to the scheduled sunset of the General Local Law, of which the consumption of liquor proposed law would be incorporated. This provides an opportunity to use that time to monitor the effects of the new approach and gather evaluation data to inform the imminent review. When the General Local Law sunsets, officers will then be in a position to make recommendations as to relevant refinements or changes.
119. Using the opportunity presented by this timeframe, officers will undertake the monitoring and evaluation measures set out by Council in its resolution of 7 September 2021, which are as follows:
- (a) *A further report will be brought to Council in 2023 including:*
 - (i) *an evaluation of the operation of the alcohol provisions of the General Local Law over the previous two years;*
 - (ii) *any relevant data that is available;*
 - (iii) *observations from Victoria Police, community stakeholders and Council's relevant Advisory Committees; and*
 - (iv) *ensuring any findings are an input into any future review process concerning the General Local Law that sunsets on 1 September 2026.*
120. As per the Council resolution of 7 September 2021, any and all liquor-related infringements issued under the local law will undergo a secondary review at the Council level, with that review being conducted by Council's Social Strategy team.
121. A Monitoring and Evaluation Working Group comprising external and internal stakeholders will meet quarterly commencing mid-December 2021.
122. Current members of the local law project working group include Aboriginal and Torres Strait Islander community service providers, Department of Justice, Department of Health, Department of Families, Fairness and Housing, Victoria Police, alcohol and drug policy experts, local legal and health services, Neighbourhood Justice Centre, and outreach workers and academic researchers. All members have agreed to take part in continued meetings, and representatives from other Council advisory committees, such as the Disability Advisory Committee and Yana Ngargna Advisory Group will also be invited to take part in the working group.
123. An in-depth consultation will be undertaken with the Aboriginal and Torres Strait Islander community will be undertaken in the 2024–25 financial year.
124. Qualitative data reflecting community experiences in relation to the local law will be collected in an online form distributed through existing community networks and relevant social service providers.
125. The quantity and thematic content of reviews by the Social Strategy team will be collated and analysed.
126. Periodic polling will be conducted through the Monitoring and Evaluation Working Group to gauge sentiment towards the law and any issues arising from it.
127. Officers will collate and analyse the following quantitative data:
- (a) Number of unscheduled cleansing runs required in association with presence of alcohol at big events (planned or unplanned); and
 - (b) Number of alcohol-related amenity complaints logged in Council's Oracle enquiry-tracking system.

128. Officers note that the State Government of Victoria is currently undertaking preparations for the reformation of the state's intoxication laws, which would see offences related to being drunk in public repealed from the *Summary Offences Act*. At the time of writing this report, the locations of the trial sites for the roll out of a health-based response to drunkenness are yet to be announced. Should Yarra be nominated as a trial site, this would provide a valuable opportunity to test a comprehensive health framework that addresses the harms and complexities of alcohol consumption in the municipality. There would also be an opportunity to coordinate data collection and issues analysis to support the local law evaluation.

Options

129. Officers recommend the adoption of the proposed amendment to Yarra's General Local Law with regard to the management of consumption of liquor in public places, and the amended guidelines proposed as additions to the Procedures and Protocols Manual (see Attachments 1 and 2), in accordance with the power to make local laws prescribed in Section 71(1) of the *Local Government Act 2020*.

Community and stakeholder engagement

Public exhibition period (8–29 September 2021)

130. The Public Exhibition period ran from 8 to 29 September and yielded 45 submissions in total, including written submissions received via Your Say Yarra and via email. Submissions received during this period broadly mirrored the results of the previous broad community engagement. Notably, a majority of the submissions appear to have come from residents in Richmond/Burnley/Cremorne (28.8 percent) and Fitzroy North/Clifton Hill (26.6 percent).
131. During the three-week campaign, officers exhibited the proposed law and guidelines and associated research and considerations on a simple English 'Your Say Yarra' webpage, which was viewed more than 1,200 times. The page included answers to frequently asked questions on the project and included a short form where community members could make their submissions. Community members could also email or upload their submissions.
132. Submissions were called for via Council's website, e-newsletter and social media, as well as through a printed advertisement in *The Age*. Officers communicated with all of the community networks, forums and advisory groups who were involved in the earlier broad community engagement period, as follows:
- (a) Email to participants from the earlier round of engagement, to ensure they could continue to be part of the process;
 - (b) 3 x social media posts on Facebook (13,000+ followers);
 - (c) 2 x Yarra Life enews promotions (12,000+ subscribers);
 - (d) Yarra's Libraries e-newsletter;
 - (e) Yarra's Economic Development Business e-newsletter (10,000+ subscribers);
 - (f) Yarra's Liquor licensee e-newsletter;
 - (g) Yarra's Community Grants email list;
 - (h) Yarra's Active Ageing Advisory Group email list;
 - (i) Yarra Communities That Care network;
 - (j) The Empowering Young People Working Group;
 - (k) The Yarra Aboriginal Services Network; and
 - (l) Your Say Yarra subscribers email list.
133. Overall, the themes seen in the submissions reflect those of the broad community engagement as well as issues considered at length in the research, benchmarking and stakeholder engagement undertaken during previous stages of the proposed law's development.

134. Officers carefully considered every submission within the context of available research to date including benchmarking, the broader policy environment, and stakeholder and broader community engagement.

Earlier broad community engagement (22 July–19 August 2021)

135. The broad community engagement yielded **820 responses**, including surveys and written submissions received via email.
136. A four-week campaign ran from 22 July to 19 August, during which time officers promoted information on the draft law, draft guidelines, and associated research and considerations on a simple English 'Your Say Yarra' webpage, which was viewed more than 6,000 times. The page hosted a 5-minute survey and enabled community members to ask questions of Council officers that were posted on the page along with responses for the community to read. The survey invited comments invited on each individual section of the draft law as well as any other feedback and comments. Each part of the draft law was clearly explained in plain English, and the survey was translated into:
- (a) Arabic;
 - (b) Chinese (Simplified);
 - (c) Chinese (Traditional);
 - (d) Oromo; and
 - (e) Vietnamese.
137. The promotion campaign involved communications through the following channels:
- (a) 3 x week of targeted advertising (tailored for different demographics each time, reached 25,000 people in total);
 - (b) 3 x social media posts on Facebook (13,000+ followers) and Instagram (7,000 followers);
 - (c) 2 x Yarra Life enews promotions (12,000+ subscribers);
 - (d) Yarra's Libraries e-newsletter;
 - (e) Yarra's Economic Development Business e-newsletter (10,000+ subscribers);
 - (f) Yarra's Liquor licensee e-newsletter;
 - (g) Yarra's Community Grants email list;
 - (h) Yarra's Active Ageing Advisory Group email list;
 - (i) Yarra Communities That Care network;
 - (j) The Empowering Young People Working Group;
 - (k) The Yarra Aboriginal Services Network.
138. Officers also gave presentations at the following Council reference committees and working groups:
- (a) Local Safety Reference Group;
 - (b) Yana Ngargna Advisory Group;
 - (c) Disability Advisory Committee;
 - (d) Yarra Multicultural Action Group;
 - (e) Public Drinking Working Group (x 2 discussions);
 - (f) Yarra Aboriginal Services Network; and
 - (g) Black Lives Matter external working group.

Policy analysis

Alignment to Community Vision and Council Plan

139. The new Council Plan is currently being finalised and will be applicable to this work once it is in place.
140. The work undertaken to date complies with Council's Engagement Policy and statutory processes required by the *Local Government Act 2020*.
141. The following objectives from the Council Plan under which this work started have all informed the work to date in devising the new proposed local law and other measures suggested in this report:
 - (a) Objective one: Community health, safety and wellbeing are a focus in everything we do;
 - (b) Objective two: Inclusion, diversity and uniqueness are welcomed, respected and celebrated; and
 - (c) Objective five: Local businesses prosper, and creative and knowledge industries thrive.

Climate emergency and sustainability implications

142. Not applicable to this report.

Community and social implications

143. Representatives from the Aboriginal and Torres Strait Islander community along with representatives from Yarra's health and social service providers have made clear their view that any local law to regulate consumption of liquor in public places is inherently discriminatory, as described in the submission received from the Victorian Aboriginal Legal Service.
144. As indicated in the results outlined in this report (and in the work to date), community opinion is split on some aspects of the proposed local law, and this has been described and addressed in the main body of this report.
145. The recommendation to adopt the proposed amendment to Yarra's General Local Law with regard to the management of consumption of liquor in public places, and the amended guidelines proposed as additions to the Procedures and Protocols Manual (see Attachments 1 and 2) represents a balanced meeting point that enables Council to meet its responsibilities for public safety, health and amenity, while ensuring a holistic view is taken of the diverse issues and needs of the community. Measures to achieve this balance in implementation of the proposed local law are outlined throughout the report discussion and particularly in the sections that relate to education, relationships, social programs and monitoring and evaluation.

Economic development implications

146. Yarra has the largest night-time economy in Victoria outside of the capital city. The licensees and business owners engaged in this process are concerned that if there are not restrictions to regulate the consumption of liquor immediately outside their premises, it will be more difficult for them to realise their responsibilities under liquor licensing laws. This feedback has been incorporated into the drafting of the proposed new local law.
147. Significant efforts were made in cooperation with the Economic Development Unit, Business Ambassadors and Yarra Liquor Forum to involve all businesses in Yarra in the stakeholder engagement and broad community engagement.

Human rights and gender equality implications

148. The proposed amendment to the General Local Law is certified as being consistent with the requirements outlined in Section 72 of the *Local Government Act 2020*, including compatibility with the *Charter of Human Rights and Responsibilities Act 2006* (see Attachment 3).

Operational analysis

Financial and resource impacts

149. Some budget would be required for ongoing monitoring and evaluation to take place during the four years until the General Local Law sunsets, and in-depth consultation with Aboriginal and Torres Strait Islander community to take place in 2024–25 financial year. This will be costed and allocated within Council's existing budgeting processes.

Legal Implications

150. As noted above, the proposed amendment to the General Local Law is certified as being consistent with the legal requirements outlined in Section 72 of the *Local Government Act 2020*, including compatibility with the *Charter of Human Rights and Responsibilities Act 2006*.

Conclusion

151. As presented in this report, an extensive period of consultation has been undertaken over the past two years with numerous stakeholders, and multiple options and iterations have been thoroughly explored in contemplating the issue of consumption of liquor in public places.
152. The incredible response from all members of the community to the intentionally wide-spread consultation campaign has seen broad acceptance on the general principles of each element, with the bulk of feedback focused on suggested tweaks and modifications. Nevertheless, there remains some strong opinions both in favour for more strict and wide-spread restrictions and those calling for a lessening or altogether absence of restrictions.
153. Based on stakeholder feedback, the research undertaken to date, the benchmarking with neighbouring municipalities and the current public policy environment, the recommended way forward is to include a new section within the existing General Local Law that fulfils Council's responsibility to promote public amenity and community safety, recognise the negative impacts consumption of liquor local laws can have upon people experiencing vulnerability in our community and understand the need for safeguards to ensure people are not unfairly and negatively impacted.
154. Officers recommend the adoption of the proposed amendment to Yarra's General Local Law with regard to the management of consumption of liquor in public places, and the amended guidelines proposed as additions to the Procedures and Protocols Manual (see Attachments 1 and 2), in accordance with the power to make local laws prescribed in Section 71(1) of the *Local Government Act 2020*.
155. Councillors are strongly advised that there are time-sensitive legislative requirements for any local law to be put in place with the current local law due to sunset (expire) on 19 October 2021, after which time there would be no law in place to manage consumption of liquor in Yarra's public places.

RECOMMENDATION

1. That Council:
 - (a) endorses the proposed amendment to Yarra's General Local Law with regard to the management of consumption of liquor in public places, and the amended guidelines proposed as additions to the Procedures and Protocols Manual (see Attachments 1 and 2), in accordance with the power to make local laws prescribed in Section 71(1) of the *Local Government Act 2020*;
 - (b) notes that the proposed amendment to the General Local Law is certified as being consistent with the requirements outlined in Section 72 of the *Local Government Act 2020*, including compatibility with the *Charter of Human Rights and Responsibilities Act 2006* (see Attachment 3);
 - (c) notes the extensive community consultation process that has occurred over multiple opportunities and an extended period of time, (including during the most recent public exhibition period), that considered various options for the future management of consumption of liquor in Yarra's public places;
 - (d) notes that stakeholders appreciate Council's responsibilities to promote local amenity and community safety, recognise the negative impacts consumption of liquor local laws can have upon people experiencing vulnerability in our community and understand the need for safeguards to ensure people are not unfairly and negatively impacted;
 - (e) notes that the proposed local law and accompanying proposed Procedures and Protocols Manual (see Attachments 1 and 2) seek to promote public amenity and community safety – including within entertainment precincts and for major events – while supporting harm minimisation, and the exclusion from enforcement, for people who are physically, psychologically, socially, culturally or economically vulnerable;
 - (f) endorses the list of elements outlined in this report that will form the basis of an evaluation and monitoring plan for the consumption of liquor in public places provisions in the General Local Law; and
 - (g) notes that the current local law is set to sunset (expire) on 19 October 2021.

Attachments

- 1 Proposed Local Law - Consumption of Liquor in Public Places - Amendment to General Local Law - 2021
- 2 Proposed Procedure and Protocols Manual - Text for Inclusion - 2021
- 3 Certification of Legal Compliance - Amendment to General Local Law 2021
- 4 VALS Submission to Yarra City Council - Local Law on Public Drinking - 29-9-2021