

Submission to the Review of the Late Night Trading Code of Practice

Tuesday, 31 January 2023
Council

Strategic Alignment - Thriving Communities

Program Contact:
Sarah Gilmour, Associate
Director Park Lands, Policy &
Sustainability

Public

Approving Officer:
Ilia Houridis - Director City
Shaping

EXECUTIVE SUMMARY

On 5 December 2022, the State Government, through Consumer and Business Services, announced a review of the Late Night Trading Code of Practice (Late Night Code) under the *Liquor Licensing Act 1997 (SA)*. The State Government invited submissions to the review by 20 January 2023. The State Government has confirmed the City of Adelaide can provide a submission in February 2023.

This report provides a draft submission for Council's consideration (**Attachment A**).

The City of Adelaide's draft submission supports the Late Night Code as an effective policy instrument to reduce alcohol-related harm in and around licensed venues. The draft submission supports the continuation of the Late Night Code and provides recommendations to support venues to trade while enhancing perceptions of safety and enjoyment for city users. These recommendations include:

- Mandating training to build organisational capacity to support and contribute to bystander action to prevent violence against women
- The provision of visible, within venue, information about late night transport options
- The exclusion of restaurants and small venues from the requirement to purchase and operate a metal detector
- Maintaining the existing requirement to cease alcohol service and consumption to outdoor areas with public access from 2:01am
- Maintaining the existing Late Night Restricted Entry (or lockout).

RECOMMENDATION

THAT COUNCIL:

1. Endorses the submission under the *Liquor Licensing Act 1997 (SA)* Review of the Late Night Trading Code of Practice included as Attachment A to Item 10.2 on the Agenda for the meeting of Council held on 31 January 2023.
 2. Authorises the Chief Executive Officer to amend, finalise and submit the submission to the Liquor and Gambling Commissioner included as the letter in Attachment A to Item 10.2 on the Agenda for the meeting of Council held on 31 January 2023.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Thriving Communities 1.4 Develop diverse places, and facilities with and for young people.
Policy	The City of Adelaide's Safer City Policy 2019-2023 supports the delivery of safety outcomes that align with the intent of the Late-Night Code of Practice. City of Adelaide's Liquor Licensing Policy encourages development applicants to align their hours of operation with policy hours which limit later night activity to Hindley Street east. The City of Adelaide's draft submission is informed by the Late Night West End Safety Audit data, resident and city user surveys, analysis of Council's complaint database, Council's safety data, Lord Mayor's Hindley Street Round Table, and the Gender Equality Project Steering Committee.
Consultation	The City of Adelaide promoted the State Government's consultation with business and community members via social media, existing stakeholder networks and on the website.
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	To influence the State Government Review of the Late-Night Trading Code of Practice.
22/23 Budget Allocation	Not as a result of this report
Proposed 23/24 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
22/23 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. The [Late Night Trading Code of Practice](#) (Late Night Code) was introduced by the State Government in 2013 under the *Liquor Licensing Act 1997 (SA)*, to address safer trading in late night licensed venues and the impact of alcohol-related harm.
2. The Late Night Code applies state-wide and includes a successful range of measures that regulate alcohol consumption and late night trading in venues that operate between the hours of 2:00 am and 7:00 am, including:
 - 2.1. Drink marshals and first aid officers in venues after 2:00 am
 - 2.2. A ban on drinking alcohol on footpaths after 2:00 am
 - 2.3. A ban on 'shooters', 'doubles', 'laybacks' and similar types of drinks after 2:00 am
 - 2.4. A lockout that stops people from entering or re-entering venues after 3:00 am, excluding the Casino and restaurants.
3. In the city, the Late Night Code forms part of a suite of safety measures by the City of Adelaide and the State Government to encourage safer activities in and around late night venues, predominantly Hindley Street.
4. On Monday, 5 December 2022, Consumer and Business Services released the Review of the Late-Night Trading Code of Practice ([Link 1 and Link 2](#)) for consultation. The consultation closed on Friday 20 January 2023. The City of Adelaide received an extension until February 2023 to enable Council's consideration of a submission.
5. The review aims to:
 - 5.1. Assess whether the Late Night Code has successfully reduced alcohol-related harm in and around licensed venues
 - 5.2. Assess whether the Late Night Code has resulted in any unintended consequences
 - 5.3. Provide recommendations (if any) for amendments to the Late Night Code.
6. City of Adelaide's draft submission supports the Late Night Code as an effective policy instrument to reduce alcohol-related harm in and around licensed venues.
7. A summary of proposed feedback to enhance and further improve the Late Night Code is provided below:
 - 7.1. The City of Adelaide supports an amendment to the Code to require mandatory employee training in Bystander Intervention training; and provision of information about late night transport options.
 - 7.2. The City of Adelaide supports an amendment to the Code to require drink marshals to undertake specialist training; and be informed of services available to assist patrons leaving venues late at night and returning home.
 - 7.3. The City of Adelaide supports the existing policy to cease alcohol service and consumption to outdoor areas with public access from 2:01 am. To support this, Council Outdoor Dining permits require furniture to be removed from the footpath from 3:00 am. This assists dispersal from the area and reduces the potential for the congregation of persons who were unable to gain entry to the venue after 3:00 am. Note that this does not apply to existing fixed furniture.
 - 7.4. The City of Adelaide supports consideration of amendments to the Code to exclude restaurants and small venues from the requirement to purchase and operate a metal detector. The existing policy may act as a disincentive for restaurants and small venues to remain open after midnight.
 - 7.5. The City of Adelaide supports existing policy to restrict entry to venues between 3:01am and 7:00 am at all times when open for trade. Maintaining the Late-Night Restricted Entry (or lockout) enables venues to continue trading until their approved closing time by providing a well-managed environment within the venue.
8. Anecdotally, City of Adelaide is aware that some businesses and communities including venues and late night traders may seek an end to the 'lockout' measures.
9. The premise for the Late Night Restricted Entry or lockout is to enable a venue to continue to trade for their approved operating hours with the responsible service of alcohol. Patrons are required to make a decision about where they will end their night before 3:00am. The model contrasts with other states where a last drinks model requires drinks service to stop at 3:00am.

Perceptions of Safety in the City

10. Council's Resident Survey 2020 indicates varying perceptions of safety in the city at night ([Link 3](#)). Women are significantly less likely to feel comfortable walking places in the evening compared with men. The survey indicated that 95% of respondents feel comfortable walking in their local neighbourhood by day, which drops to 63% in the evening.
11. In 2021, city users were asked about their perceptions of safety at different times of the day and night through Council's City User Profile ([Link 4](#)). These questions were previously asked in 2018 and 2016. In 2021:
 - 11.1. Most city users (98%) felt safe in the city during the day
 - 11.2. Despite more people visiting the city late at night, fewer city users felt safe during this time.
 - 11.3. Of those who were in the city after 1:00 am, only 54% felt 'very safe' or 'quite safe' compared to 71% in 2018. In contrast, slightly more people felt safe in the city between 8:00 pm and 1:00 am in 2021 compared to 2018 (80% vs 76%).

Other Safety Initiatives

12. The City of Adelaide works with the State Government to implement a range of other safety initiatives that support a safer city late at night. These include:
 - 12.1. Good lighting to ensure visibility while creating feelings of ambience and perceptions of safety.
 - 12.2. The City Safe CCTV network provides real time monitoring of the entertainment precinct by SA Police.
 - 12.3. West End late night safety audits, conducted at times when the area is anticipated to be most vibrant (for example, Saturday nights in March from midnight-4:00 am). These audits use Crime Prevention through Environmental Design (CPTED) assessment to make improvements to infrastructure and work with stakeholders to improve perceptions of safety. Safety Audit data from 2010-2022 suggests that the locations ranked as most unsafe are consistently located in the vicinity of venues that operate after 3:00 am.
 - 12.4. The Home Zone (established in 2020) provides three safer, well-lit spaces on Currie and King William Streets (monitored by CCTV, Police and Encounter Youth Patrols) for young people to wait for collection by a family member or friend while others wait for after-midnight buses.
 - 12.5. Managed Taxi Ranks were reintroduced by State Government in 2022, providing a managed space with good lighting and CCTV where patrons can queue in an orderly manner for a taxi.
 - 12.6. The Encounter Youth Hindley Street Program (funded by the State Government) is a peer support program operated by volunteers to respond to the complex issues faced by young people who may become vulnerable due to intoxication.
 - 12.7. The Hindley Street Police station, which allocates resources to policing the West End supports real time intervention for violence and anti-social behaviour associated with intoxication.
 - 12.8. The Declared Public Precinct 'City West' was introduced on 10 November 2017, provides additional powers to SA Police (including metal detection search, drug detection and banning people who pose a risk to public order and safety) at designated hours.
 - 12.9. Maintaining a clean and high-quality streetscape can influence people using the late-night precinct. Significant effort is made to refresh the late-night precinct prior to the new day starting to reduce conflict between the night and daytime economies.
 - 12.10. Project Night Light, led by the City of Adelaide, is partnering with twelve hospitality venues to run a pilot program to help improve women's safety in licensed premises. Each venue has participated in a safety assessment and bystander intervention training for employees and continues participation in a 'champions network' for peer support and collective action. The pilot uses a primary prevention model which highlights the role gender inequality plays in driving violence against women.

CoA Strategic and Policy Opportunities

13. The City of Adelaide Safer City Policy 2019-2023 and Safer City Action Plan 2019-2023, are scheduled for review in 2023 and Council will have the opportunity to workshop its policy and strategic response to safety in its first term.
14. Work has commenced on the developing of a strategic response to the night time economy (NTE) to enact Council's decision made on 14 June 2022, Item 10.2 – Rebuilding Adelaide's Night Life.

15. The City of Adelaide is progressing with work in response to the Council decision on 14 June 2022 to formulate an approach for seeking advice on the Night Time Economy Advisory and the creation of a 24 Hour Strategy. Through conversations with key stakeholders, including the State Government, this work could be achieved through existing or modified committee structures and advice will be brought to Council on this approach.
-

DATA AND SUPPORTING INFORMATION

Link 1 - [Late Night Trading Code of Practice](#)

Link 2 - [Late Night Trading Code of Practice \(Late Night Code\) Review | YourSAy](#)

Link 3 - [Resident Survey 2020 \(page 27 and 28\)](#)

Link 4 - [City User Profile](#)

ATTACHMENTS

Attachment A - Submission - Review of the Late Night Trading Code of Practice

- END OF REPORT -