

To: Mayor and Councillors
From: Policy Analyst
File reference: Document: 960920
Portfolio holder: Councillor Leonard
Meeting date: 14th November, 2012
Subject: **Smokefree Environment Policy Report**

Recommendation:

THAT the report be received, and

THAT one of the options be considered regarding the development of a Smokefree Environment Policy for the Hauraki District.

Purpose

The purpose of this report is to provide Council with relevant information regarding the Midland Smokefree Programme and outline options available to Council with regards to developing a policy approach toward a Smokefree Environment Policy for the Hauraki District.

Background

Midland Smokefree Programme

The New Zealand Government has set a goal to reduce tobacco smoking prevalence to less than 5% by 2025. Current trends provided by the Midland Smokefree Programme have shown that this will not happen until at least 2058. The Midland Smokefree Programme was established by the Chairs of the five Midland District Health Boards (DHBs) to initiate a programme of targeted interventions to accelerate the downward trend required to be Smokefree by 2025. In March 2012 the Midland DHBs collectively signed a Midland Smokefree Tobacco Free Vision statement:

“Our vision is for a Smokefree, Tobacco Free Midland by 2025” with a key objective ‘to protect children and future generations against the exposure of smoking and to denormalise smoking’.

Council’s Strategic Planning Projects Manager and Policy Analyst have met with Gary Thompson, the Midland Smokefree Programme Director, who explained that a key role of the Midland Smokefree Programme is to guide and support those district and regional authorities that choose to take part toward developing a Smokefree Tobacco Free plan.

Legislation: Smokefree Environments Act 1990 and Amendments

The purpose of the Smokefree Environments Act (the Act), as it relates to Council, is set out in section 3 of the Act:

The purposes of this Act are, in general, as follows:

- (a) to reduce the exposure of people who do not themselves smoke to any detrimental effect on their health caused by smoking by others;...*

The Act prohibits smoking *in* workplaces, restaurants and licensed premises. It prohibits Smoking on early childhood education centres and school premises. The Act does not legally require any of these premises to cater for smokers by providing a smoking area, but does give the option for employers to provide a smoking room if appropriately enclosed and ventilated. Smoking is not legally prohibited by the Act in open areas, but nothing in the Act stops operators of premises from banning smoking in open areas. It is not mandatory to provide smoking areas.

Section 20 of the Act allows for local authorities to make bylaws under section 145 (b) of the Local Government Act providing greater protection from tobacco smoke than is provided by Part One of the Smokefree Environments Act 1990. This means Council could create a bylaw prohibiting smoking in public locations throughout the District.

Staff have no recommendations on this matter but provide the background detailed below.

Hauraki District Reserve Management Plan

The Hauraki District Reserve Management Plan does not contain any policy regarding smoking on Council owned reserves. It would be possible to add a Smokefree policy into the Reserve Management Plan if Council decided to develop a Smokefree policy.

Hamilton City Council

On 27 September 2012 Hamilton City Council became the first council in the Waikato region to adopt a Smokefree Environment Policy for the City. It chose to implement an educative approach policy, not a bylaw, which will require self-policing rather than enforcement. It chose to pilot the policy in targeted areas in order to monitor and evaluate public acceptance toward the policy. The policy will see smoking prohibited from the following places:

- Garden Place, Civic Square, Hamilton Transport Centre and Hamilton Gardens.
- Within 10 metres of all City Council playgrounds and all Council owned or operated buildings and facilities.
- Around Waikato Hospital on Pembroke St (from the corner of Selwyn St to Ohaupo Rd) and Selwyn St.

It was also agreed that all events run or sponsored by Council will be required to be smokefree.

Rotorua

Rotorua has restricted smoking in playgrounds and the Council owned area of the Whakarewarewa Forest since 2008 via their Smokefree Outdoor Public Spaces Policy. Toi Te Ora-Public Health Service monitored public opinion to the Policy two months after it was introduced and again in 2011, and concluded that:

'the Rotorua public not only supports the Smokefree Outdoor Public Spaces policy, but they are also complying with it.'

Others

A number of other local authorities in the areas of the 5 DHB's have, or are giving consideration to this approach, with some deciding to do nothing and others still considering the matter.

Options

Option One: Status Quo

There is no legal requirement for Council to develop a Smokefree Environment Policy for the Hauraki District. Council has already provided a smoke-free workplace in accordance with the Smoke-Free Environments Amendment Act 2003.

Option Two: Develop a Smokefree Environment Policy

Council could develop a Smokefree Environments Policy similar to Hamilton City Council where specific sites around the District are designated Smokefree. This could include playgrounds, reserves, open spaces, the Rail Trail, Council owned buildings and sponsored events.

A Smokefree Environment Policy would not be legally enforceable by Council Officers, but would require public support and depend on people's social conscience to refrain from smoking in the designated Smokefree areas.

The CHANCES Coalition, which includes the Cancer Society and the Waikato DHB are willing to work with Council to develop and promote a Smokefree Policy.

The Health Promotion Agency (HPA), which is the new Crown entity which the Alcohol Advisory Council and the Health Sponsorship Council have merged under, can provide Council with signage advice and promotional material such as street banners and posters.

The promotional aspect of a Smokefree Environments Policy could be handled in a similar manner to the *'It's not OK'* campaign which Council is involved with.

Option Three: Develop a Bylaw

Council could develop a bylaw under section 145(b) of the Local Government Act 2002 banning smoking from specific areas in the District. A bylaw would be effectively impractical to enforce and is not the norm for New Zealand Councils.

Budget Implications

If Council choose to develop a Smokefree policy a further report would be provided to Council outlining signage and promotional expenses. If a Smokefree Environment Policy is developed it is recommended that it is a policy direction rather than a prescriptive approach.

Conclusion

Council is not legally obliged to develop a Smokefree Environment Policy, but if it decides to develop a Smokefree initiative the development of an appropriately worded policy is recommended over the development of a bylaw.

A SmokeFree Environment Policy would also result in the need to develop a social awareness campaign, which the CHANCES coalition has indicated it could assist with.

Charan Mischewski
Policy Analyst