FACT SHEET 2

Sample Council report and policy

A report to Council proposing to introduce smoke-free outdoor areas should take into account the negative health aspects of second-hand tobacco smoke as well as the adverse social and environmental impact smoking in crowded outdoor areas may also have on the community.

This Fact Sheet provides a sample report to Council and a draft policy, which can be supplied electronically for Council use.

ASH
Heart Foundation
Local Government Association of NSW
Shires Association of NSW
The Cancer Council New South Wales

SAMPLE REPORT:

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life threatening health impacts including heart disease, cancer, asthma and other respiratory problems.[1] Children exposed to second-hand smoke are at an increased risk of asthma, sudden infant death syndrome (SIDS), acute respiratory infections and ear problems.

While most of the evidence relates to indoor exposure, there is emerging evidence on how smoking affects air quality in outdoor locations such as alfresco cafes and playgrounds. [2,3,4,5,6] A recent study which measured cigarette smoke levels in a variety of outdoor locations showed that a person sitting near a smoker in an outdoor area could be exposed to levels of cigarette smoke similar to the exposure of someone sitting in an indoor tavern where smoking is allowed.[7] Therefore, the second-hand smoke in outdoor areas where people tend to congregate, such as alfresco dining areas, sports stadiums and concert venues etc can present a real health risk to patrons and staff.

There is also evidence to suggest that smoking bans support smokers who are trying to quit as well as reduce their overall cigarette consumption.[8] Fifty four percent of smokers who had tried to quit found that seeing someone with a cigarette was a trigger to relapse, while 40% said that smelling a cigarette was a trigger to relapse, according to a 2006 study.[9]

In addition to the health impacts, cigarettes are an environmental issue. Cigarette butts take up to five years to break down. Cigarette butts are consistently one of the most common items found during Clean Up Australia Day. Almost 50% of all litter in urban areas is tobacco related products.[10] Outdoor smoking bans can help to reduce the amount of cigarette butt litter and provide a substantial cost saving through reduced clean-up costs.

Community attitudes towards smoking have changed over time. Due to the mounting evidence showing the harmful effects of passive smoking, and also because of litigation, by the mid-1990s smoke-free workplace policies had been introduced extensively throughout both public and private sectors. While all State and Federal government offices had become smoke-free, bans and restrictions were also introduced in many shopping centres, hospitals, schools, childcare settings and entertainment venues, as well as in the transport sector. In September 2000, the NSW Parliament passed the NSW Smoke-Free Environment Act, which prohibited smoking in a wide range of public places.

In 2004, the Act was amended, and from July 2007 smoking will be banned in all enclosed public places, except the Sydney Casino. The Act does not cover outdoor public places.

There is strong public support for better and more wide-reaching tobacco control activities. In December 2006, a survey[9] of 2,400 NSW residents found overwhelming support for smoking restrictions in the following areas:

- 92% support bans in children's playgrounds
- 85% support bans outside workplace doors/ entrances
- 80% support bans in sports stadiums
- 69% support bans in outdoor dining areas
- In addition, 65% say they avoid places where they may be exposed to other peoples smoke.

Council has a role in advocating better public health for its residents. Council has existing smoking bans in place – all Council buildings are smoke-free to protect both the health of Council staff and members of the public. Health organisations are now urging stronger smoking bans in public places not yet covered by legislation.

It is proposed that in the interests of the health of our local community and environment, Council adopt a comprehensive smoke-free environment policy.

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SAMPLE RESOLUTION:

Councils may choose to include some or all of the points listed 1-11 below. We encourage Councils to include the first four points as a minimum.

That Council adopt the attached Smoke-free Environment policy which includes banning smoking in the following areas on Council land:

1. **Within ten (10) metres of all children's playground equipment;**
2. **On all playing fields, sporting grounds and sporting facilities (ie swimming pools, outdoor sports centres);**
3. **At all events run or sponsored by Council;**
4. **In alfresco dining areas on public land;**
5. In Council's pedestrian malls/plazas;
6. Within ten (10) metres of Council owned or managed buildings including balconies or covered areas of those buildings;
7. On patrolled/all beaches;
8. In all bushland, parks and reserves;
9. Within all covered bus stops and taxi ranks
10. Within Council car parks;
11. Further, that this Policy be enforced in any leases, licenses or other estates that apply to Council owned and managed lands and properties and that internationally recognised signage be erected to indicate that these areas are smoke-free.

SAMPLE COUNCIL SMOKE-FREE POLICY

Objectives

The objectives of (name) Council in banning smoking in various Council areas are to:

- Improve the health of community members;
- Improve public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community;
- Minimise cigarette butt pollution on Council owned beaches, waterways, parks and other open space areas.

Principles

This policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community;
- A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces;
- An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

Legislation

Under the *NSW Local Government Act 1993* Council has the power to:

- Erect suitably worded and strategically placed notices in "public places" (such places including but not limited to public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the local government area of [locality] prohibiting smoking (see, relevantly, s.632 (1) and (2)(e) of the Act);
- Serve, by means of an authorised person, a penalty notice (Penalty: $110.00) upon any person who fails to comply with the terms of any such notice (see, relevantly, s.679 of the Act and cll.5-7 of, and Schedule 1 to, the General Regulation);

- Demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice (see, relevantly, s.680 of the Act);
- Remove, by means of an authorised person, from community land any person who fails to comply with the terms of any such notice (see, relevantly, s.681 of the Act); and
- Otherwise prohibit smoking in any place within the local government area of (name), in respect of which Council is the owner or occupier, as a condition of entry to that place.

Authorised Persons

The following (name) Council staff are "authorised persons":

- Council Rangers and
- Lifeguards.

Signage

The following Council open space areas will be signposted, wherever practicable, to provide smoke-free zones:

Examples:

- Within 10 (ten) metres of all children's playgrounds;
- Around all Council playing fields, sporting grounds and at outdoor sporting facilities;
- On all land used for alfresco dining (alternatively lease conditions may be used).
- At all events run or sponsored by Council;
- Within 10 (ten) metres of Council owned building entrances;
- At all ocean and harbour beaches;
- In all bushland, parks, reserves and public plazas;
- In all enclosed Council car parks;
- At all covered bus stops and taxi ranks.

Signs will be installed in prominent places in the open space areas listed above. The signs will include the international no-smoking symbol and the wording: WARNING: Heavy Penalty. Regulated under s632 *NSW Local Government Act 1993*.

Leases, licenses and other Council agreements

Council buildings and outdoor dining areas that are leased, licensed or hired by Council will have smoke-free clauses inserted into their agreements for use.

Enforcement of Ban

In implementing Council's Smoke-free Policy a program of community education and awareness, specifically targeting residents and day visitors, is to be undertaken.

Enforcement of this Policy will supported by persuasion and self-policing, rather than punitive enforcement.

Related Council Policies

Smoking – Council owned buildings-

Smoking was prohibited from all Council buildings at all times from 1 May 1992.

Related Legislation

S632 *NSW Local Government Act 1993*

FOOTNOTES

1 U.S Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. Atlanta, GA: U.S.

2 Repace JL. Banning Outdoor Smoking is scientifically justifiable. Tobacco *Control* 2000; 9:98 (Spring)

3 Repace J. Measurements of outdoor air pollution from second-hand smoke on the UMBC campus. (http://www.repace.com/pdf/outdoor.pdf- accessed 8 March 2007)

4 Boffi R, Ruprecht A, Mazza R, Ketzel M, Invernizzi G. A day at the European Respiratory Society Congress: passive smoking influences both outdoor and indoor quality (letter). *European Respiratory Journal*. 2006;27:862-863.

5 U.S. Department of Health and Human Services. *The Health Consequences of Smoking: A report of the Surgeon General*. Atlanta, GA:U.S. Department of Health and Human Services, Centres for Disease Control and Prevention, National Centre for Chronic Disease Prevention and health promotion, Office on Smoking and Health, 2004.

6 Turner P. *Air Monitoring for Cigarette Smoke*. Unpublished report for The Cancer Council NSW, 12 May 2005.

7 Klepeis NE, Ott WR, Switzer p. Real-Time Measurement of Outdoor Tobacco Smoke Particles. *Journal of the Air and Waste Management Association* 2007; 57:522-534.

8 Chapman S, Borland R, Scollo M, R C Brownson, A Dominello and S Woodward. The impact of smoke-free workplaces on declining cigarette consumption in Australia and the United States. *Am J Pub Health* 1999;89:1018–23

9 Centre for Health Research and Psycho-oncology. Tracking NSW community attitudes and practices in relation to tobacco: A biennial telephone survey. March 2007. Unpublished report by The Cancer Council NSW.

10 Clean Up Australia Rubbish Report 2005. Clean Up Australia Online. Accessed May 2007 at http://www.cleanup.org.au/rubbishreport/topten.html