

## **CHAIRMAN and MEMBERS**

### **Facilities & Services Committee (March 2006)**

Item:  
File: 813/01/002

10 February 2006

## **SMOKE-FREE POLICY IN PARKS & OPEN SPACES**

### **PURPOSE**

To consider the option of a smoke-free policy for Upper Hutt City Council's Sportsfields, Playgrounds and other Open Space reserve areas.

### **BACKGROUND**

Councillors have requested that an investigation be undertaken to determine the feasibility of adopting a smoke free policy that would ban or otherwise limit smoking in Sportsfields, Playgrounds and other Open Space reserve areas in Upper Hutt City.

On 3 December 2003, an amendment to the Smoke-Free Environments Act 1990 was passed requiring, among other things:

- a) Buildings and grounds of schools and early childhood centres to be smoke free by 1 January 2004;
- b) Licensed premises to be smoke-free indoors from 10 December 2004;
- c) Other workplaces to become smoke-free indoors; – including offices, factories, warehouses, work canteens and smoko rooms from 10 December 2004;
- d) The display of tobacco products in retail outlets restricted and a “smoking kills” sign erected near the display from 10 December 2004; and
- e) Access of smoking products to those under 18 years further restricted.

The purpose of the Act is not only to send a clear message about the dangers of smoking, but also to limit the detrimental effect second hand smoke has on the health of those people who do not wish to smoke.

In terms of work environments, the Ministry of Health is the enforcement agency and fines of \$400 could be imposed for individual employers and \$4,000 for body corporate, who fail to take all reasonable steps to prevent someone from smoking in a workplace. There are currently no fines for individuals who do not comply with the Act, however any employees breaching an employer's smoke-free policy are generally dealt with under their individual employment contracts.

## **DISCUSSION**

### *The impact of smoking*

The impact of smoking on public health is significant. Out of all New Zealanders, 75% do not smoke, however many are exposed to the significant health risks of second hand smoke and children and young adults are more likely to emulate the behaviour of role models if they are smokers.

Each year in New Zealand it is estimated that between 4300 and 4700 people die from smoking related illnesses. Such illnesses, and the associated suffering and premature deaths caused by smoking, are preventable. Accordingly, both government and non-government organisations have employed multiple approaches to reduce smoking prevalence in order to improve health outcomes, enhance people's wellbeing, address health inequalities, and reduce the financial burden of tobacco use.

A decline in general smoking prevalence over the past 30 years has been attributed to the combined approach to tobacco control. However, the decline has recently slowed and in the mid to late 1990s there was a rise in the prevalence of young people smoking, especially among young Maori women.

“Like many health behaviours smoking is not necessarily determined by individual choice. Smoking behaviour can be influenced by factors external to the individual. That is, smoking behaviour can be seen as occurring within a social context. This context can be the individual's immediate environment, the families and communities in which they live or the wider society in which they live. An important risk factor for youth smoking initiation is the normative beliefs held by children and adolescents of adult smoking. Research has shown that normative values play an important role in youth smoking. It has been hypothesised that public tobacco use may lead to beliefs by adolescents of a higher prevalence of tobacco use in society than that which exists” (Ministry of Health, 2005)

As well as impacting on health outcomes, the litter created by cigarettes have associated environmental risks. The residue in cigarette butts contains some highly toxic and soluble chemicals. These butts are often found in the stomachs of birds, sea turtles and other marine creatures. Incorrectly disposed of butts are also responsible for nearly 5% of all fires in New Zealand.

### *Actions taken by other Councils*

In Australia many Local Councils in New South Wales are passing regulations to ban smoking in parks, playgrounds, beaches, at entrances to buildings, sporting fields and venues and al fresco dining areas to promote healthy communities.

South Taranaki District Council (STDC) has recently developed a “Smoke-free Education Policy”, which encourages people to abstain from smoking in Council-owned parks, playgrounds and swimming pools, instead of adopting a policy which prohibits smoking in such places.

They identified the fact that it was not possible to effectively enforce a full “Smoke-free Policy” due to obvious difficulties associated with policing such a policy, and they felt that Council should be seen as providing community leadership and acting as a role model.

An example of the signage used by STDC is attached for your information

Currently Napier City Council and Gisborne District Council are also in the process of investigating the development of an “Educational Smoke-free Policy” covering their open space areas. Wellington City Council has adopted a policy banning smoking in the area known as Cable Car Lane but they do not intend to extend the no smoking ban to other areas at this stage.

The local Rimutaka Rugby Club, based at Maoribank Park, has adopted a smoke-free policy in an attempt to discourage spectators and officials from smoking around the playing fields on Saturday mornings during the junior rugby competitions.

Upper Hutt City Council is currently meeting its obligations under the Smoke-Free Environments Amendment Act, which requires internal workplaces and certain public enclosed premises to be smoke-free. Council could if it wished go beyond the Act and develop smoke-free policies in selected Open Spaces within the City. Council could make this an opportunity to promote a healthier community and the clean green image its Parks and Reserves has in the Wellington Region.

There are several options which Council could consider if it wished to be proactive by developing and implementing a Smoke-Free Policy that goes beyond the minimum requirements of the Act.

### **Option 1**

Council could adopt a policy that would effectively ban smoking in the areas of the Sportsfields, Playgrounds and Open Spaces area and enforce the same.

A total smoking ban in any of the open space areas of the city would require policing at a considerable expense to Council as the Ministry of Health would not assist with enforcement.

### **Option 2**

Council could adopt an educational policy, going beyond the minimum requirements of the Act, simply requesting through signage and publicity that public refrain from smoking in Council owned open areas such as playgrounds, sportsfields and open space reserves. It could also ensure that activities or events run or supported by Council are 100% smokefree.

In addition to the educational policy, Council could adopt a smokefree policy banning smoking in the lawn area at the rear of H2O Xtream.

The policy focuses on reducing smoking, therefore reducing health inequalities. Children learn by observing others and the frequency with which young people observe smoking has an association with the perception that smoking is socially acceptable and normal. An educational policy aims to de-normalise smoking behaviour and encourages positive modelling in the community.

The policy would apply to all those areas where young people are key users, for example playgrounds and sports and recreation facilities. An educational policy concentrating on the health and wellbeing of youth and creating a healthy environment in the recreation areas of Upper Hutt is considered a viable option.

## **IDENTIFICATION OF RELEVANT PLANS AND POLICIES AND LONG TERM COUNCIL COMMUNITY PLAN (LTCCP)**

Selecting either option would result in Council leading the way in establishing a policy like this, and supports the Community Outcomes that address health and wellbeing outcomes.

The provision of public spaces for organised and casual recreation, leisure and cultural activities has been identified as a key focus for the City Council in the LTCCP.

The relevant Community outcomes are:- (

### **Community Outcome 4**

*Upper Hutt offers a “green” and attractive living environment..*

4.2 Our environment stays “green”, clean, healthy and attractive.

### **Community Outcome 5**

*The community is safe, healthy and strong.*

5.7 People look after each other.

### **Community Outcome 6**

*Leisure opportunities are outstanding.*

6.1 People of all ages, cultures and abilities enjoy recreation, cultural and leisure activities.

6.2 Upper Hutt offers a range of ‘leading edge’ regional recreation, cultural and leisure facilities, complemented by good quality local facilities.

6.3 Upper Hutt has a reputation for fun family events.

## **POLICY ON SIGNIFICANCE**

The decision on this issue would be categorised as ‘Having Significance’ but would not be ‘Significant’ in terms of Council’s Significance Policy.

## **CONSULTATION**

Currently consultation on various issues to do with a smoke free policy has taken place with Regional Public Health.

No public consultation has occurred in relation to developing a smoke free policy.

## **FINANCIAL IMPLICATIONS**

### **Option 1**

The cost of implementing and enforcing a full smoke free policy in open spaces in the City would be significant and may require the appointment of a warranted

Officer to enforce the policy along with the provision appropriate signage around the city.

## **Option 2**

If an educational smoke free policy was adopted the cost would be significantly less, estimated to be approximately \$6000 for the initial signage, publicity and on going maintenance costs.

There has been no financial allowance made in the Long Term Council Community Plan to fund the implementation or on going maintenance costs of a smoke free policy.

There is clearly a financial cost to implementing the policy. As this is not a budgeted expense, it is suggested that the policy be adopted subject to external funding being sourced for implementation.

Relevant stakeholders from the Hutt Valley District Health Board and HSC (formerly known as the Health Sponsorship Council) have indicated that they may be in the position to assist with the provision of signage. They see the policy as helping to address health inequalities and as having a positive impact on public health, and therefore may be approached for assistance with funding and publicity.

## **LEGAL IMPLICATIONS**

If Council decided to adopt a full no smoking policy in its open spaces, a bylaw would need to be developed and enforced. An education policy on the other hand would not require the development of a bylaw nor would it be enforced by Council.

## **CONCLUSIONS**

The Ministry of Health has advised that there is nothing in the Smoke-free Environments Amendment Act 2003 which prevents Council's ability to develop a policy of making Sportsfields, Playgrounds and Open spaces smoke free.

In today's society it is becoming more acceptable to have smoke free policies in place and people are becoming less tolerant of second hand smoke. With this in mind it is believed that Council has the ability to amend its current policy on smoking in the workplace, as detailed in the Upper Hutt City Council's Manual of Policies to include an educational policy whereby the public will be dissuaded from smoking in Council owned Sportsfields, Playgrounds and Open Spaced reserves.

It is proposed that signage would be erected at these venues and will in a positive manner request public to comply with the policy of a smoke free environment. In addition to this, all events held in the Parks will also be promoted as smoke free events along with promotional material indicating that the venue is smoke free.

## **Proposed Smoke Free Parks, Sports Fields and Playground Policy**

That all Council owned Sportsfields, Playgrounds and Open Spaced Reserves be deemed and promoted as smoke free areas.

That the public be encouraged through signage and publicity to maintain a clean, healthy environment in areas that are primarily used by young people for sporting and recreation activity.

That Council appeal through signage and publicity through the positive environmental health benefits to seek compliance from the public as opposed to enforcement.

## **RECOMMENDATION**

- 1. That the Council owned playground, sports field and open spaced reserve, and the lawn area at the rear of H2O Xtream smoke free policies as outlined above are adopted and included in the Manual of Policies.**
- 2. That the policy be educational as opposed to penal in seeking compliance.**
- 3. That implementation of this policy is made subject to funding being sourced for the provision of appropriate signage and publicity to support the policy.**

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