Smoke free public areas

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Documents superseded	Smoke Free Public Areas Policy V1.01 adopted 20/10/2009 Smoke Free Public Areas Policy V2.0 adopted 15/02/2011
Related documents	Clarence Valley Council Smoke Free Workplace Protocol
Relevant delegations	
Responsible officer	Manager Assets

1. Purpose

The aim of creating smoke free public areas on land owned and/or managed by Clarence Valley Council is to:

- Protect the health of community members, in particular children;
- Improve public amenity and maintenance of Council properties;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social well being of the community; and
- Minimise cigarette butt pollution on Council owned/managed lands and in the Valleys' open space environments and waterways generally.

2. Definitions

Authorised person(s): Clarence Valley Council Rangers and Officers.

Public area: an area set aside for public recreation on Council owned and/or managed land, including: children's playgrounds; covered bus stops and taxi ranks; public jetties; patrolled beaches; sporting fields; sports stadiums and centres; public swimming pools; squash courts; tennis courts; croquet lawns; community buildings; and footpaths within areas of commercial zoning.

3. Background/legislative requirements

In March 2007, the Cancer Council surveyed NSW residents and found overwhelming community 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; and
- 65% say they avoid places where they may be exposed to other people's smoke.

Under the *NSW Local Government Act 1993* Council has the power to legislate in their own jurisdiction to protect their local communities from the effects of second-hand smoke. In particular, Council has the discretionary power to:

- erect suitably worded and strategically placed signage in public recreation areas; and
- prohibit smoking in any place within the local government area of Clarence Valley in respect of which Council is the owner or occupier, as a condition of entry to that place.

Council's workplaces and other enclosed public places are already smoke-free as a requirement under the *Smoke-Free Environment Act 2000*. This legislation requires enclosed public places in NSW to be smoke-free, including community halls and centres, and this Policy is an extension of this philosophy.

4. Policy, protocol or procedure statement

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.

5. Procedures

The following Council public areas will be signposted, wherever practicable, to provide smoke free public areas:

- Within fifteen (15)metres of all children's playgrounds;
- Within fifteen (15) metres of all covered bus stops and taxi ranks;
- Within fifteen (15) metres of Council playing fields, sporting fields, sport centres and at outdoor sporting facilities where active sport is being played;
- At all events run or sponsored by Council;
- At all patrolled beaches, within fifteen (15) metres to the north and south of the patrolled area; public jetties;
- Within fifteen (15) metres of Council owned building entrances, including sports stadiums and centres, swimming pools, tennis courts, squash courts and community buildings; and
- On all Council owned footpaths within areas of commercial zoning.

This Policy does not apply to the following public areas:

- Public footpaths outside of areas of commercial zoning; and

- General parks, gardens and open spaces, including grassed areas behind and/or adjacent to patrolled beaches.

The copyrighted smoke-free areas logo will be available to Clarence Valley Council for use on such signage. An example of the logo is below:

6. Enforcement

This policy will be supported by occasional enforcement blitzes as deemed necessary, or in conjunction with other enforcement activities. Council Rangers are delegated authority to issue $110 On the Spot fines, under the Local Government Act 1993 Section 632, to persons acting contrary to notices erected by Council.

7. Leases, Licenses and other Council Agreements

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

8. References

Smoke-Free Outdoor Areas – A Resource Kit for Local Government