

Title: Draft Proposed Smokefree Outdoor Areas Policy

Section: Strategic Planning

Prepared by: Chris Gilmore (Policy Advisor)

Meeting Date: 10 October 2018

Legal Financial Significance = Medium

Report to **COMMUNITY DEVELOPMENT & SERVICES Committee** for decision

SUMMARY

The purpose of this report is to seek approval for a draft Smokefree Outdoor Areas Policy (SFOA policy).

At 30%, Tairāwhiti has the highest rates of smoking in New Zealand. That rate increases for Maori and Pacific Island demographics, rising as high as 46% for Maori women. Smoking is the leading cause of preventable death in the region.

Over the last 10 years the majority of New Zealand's local authorities have adopted SFOA policies ranging from simple smokefree parks and playgrounds, to comprehensive smokefree CBD policies and outdoor dining policies. The objectives of the proposed SFOA policy are to further denormalise smoking for young people and to contribute to improved health and wellbeing by reducing smoking and the impacts of second-hand smoke.

Smokefree Outdoor Area policies are not intended to be enforced, but rather to provide leadership and direction on a serious public health issue.

The draft policy centralises Council's four existing smokefree policies into one. This would see all Council reserves, parks and playgrounds and destination beaches designated smokefree at all times, and require all Council run and Council sponsored events to be smokefree.

The policy would be accompanied by a communications plan emphasising which areas are smokefree, how organisations and businesses can participate with the policy and where people wishing to quit smoking can access support.

The preferred option would have low risks for Council and would be low cost to implement.

The decisions or matters in this report are considered to be of **Medium** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS

That the Community Development & Services Committee:

1. Notes the contents of this report.
2. Approves the Draft Smokefree Outdoor Areas Policy.

Authorised by:



Keita Kohere
Director Transformation and Relationships

BACKGROUND

Government direction – Smokefree Aotearoa 2025

1. In March 2011 the Government adopted the Smokefree Aotearoa 2025 goal for New Zealand. This was in response to the recommendations of a parliamentary inquiry by the Māori Affairs Select Committee. That report found that Maori were disproportionately affected by smoking and that significant contributors to inequality such as health and life expectancy were negatively influenced by the high rates of smoking among Maori.
2. The goal of Smokefree Aotearoa 2025 is to bring the national average rate of smoking below 5%. The current average is 15.7%, which is a drop of 4% since the target was announced in 2011.
3. Implementation of Smokefree Aotearoa 2025 has primarily been through providing cessation programmes, tobacco tax increases and smokefree education campaigns.
4. The new government has signalled its support for the 2025 goal and appointed a new Minister responsible for tobacco control. The Ministry of Health has issued some guidance suggesting an increased focus on cessation support and expansion of smokefree areas.
5. Recent guidance from the Ministry of Health and the World Health Organisation have advised authorities not to legislate against or reduce the availability of vaping and e-cigarettes. Both organisations stated that while not harmless, vaping and e-cigarettes are far less harmful than tobacco, pose no known risk through second-hand inhalation and present one of the most effective smoking cessation tools currently available.

Tairāwhiti smoking statistics above the national average

6. Tairāwhiti has the highest rates of smoking in New Zealand. 30% of adults in the region, twice the national average, self-report as daily smokers, and those figures climb to 41.7% for Maori.
7. This represents an average of 12.1 cigarettes per smoker per day in Tairāwhiti costing smokers approximately \$5,520 per year, meaning around \$77.5 million is spent on tobacco in this region every year.
8. The cost to families and the community is far higher. Smokers on average live 10 -15 years less than non-smokers.
9. Figures for smoking related deaths by region are not available. However, lung cancer death rates in Tairāwhiti are much higher than other regions (36.5 deaths per 100,000 people) and does not take account of the years of preventable illness caused by smoking related chronic heart disease, respiratory disease and stroke.

Submissions

10. Council received two submissions to the 2018-2028 Long Term Plan regarding its approach to, advocacy of, and policies in support of the Government's smokefree 2025 goal. Council indicated it was investigating further smokefree policy through the Reserves and Public Places Bylaw review process.

CURRENT COUNCIL POLICY

11. Council currently has four documents that relate to smokefree areas:

Smokefree/Auahi Kore Policy 2010

- The Policy prohibits smoking in any Council building or vehicle (this applies to staff and contractors) and commits Council to providing smoking cessation programmes for staff.

Smokefree in the Community Policy 2005

- All Council-run or Council-sponsored events shall be smokefree. Where Council is supporting or partially sponsoring events it shall be a condition of that support that the event be smokefree.
- Where beaches are patrolled for the safety of swimmers, that part of the beach which is specifically patrolled (between the flags) shall be smokefree.
- Council lands or reserves which cater for children's sports and activities or containing play equipment shall be smokefree whenever such activities are taking place.

Sports Parks Management Plan

- Smoke and alcohol free: All Council sports parks will be alcohol and smoke (tobacco and psychoactive substances) free.

Community Facilities Strategy

- The Parks and Open Spaces and Sport Facilities Plans both contain the below policy:
Healthy and whanau-friendly use of parks and open spaces will be encouraged including appropriate controls on tobacco, alcohol, psychoactive substances and behaviour.

12. Currently Council has no overarching SFOA Policy to give effect to the Government's Smokefree Aotearoa 2025 goal.

OTHER COUNCILS

13. The table below lists both the range of policy types and the local authorities currently using them.

Table 1: Comparison of local government approaches to supporting smokefree areas

Smokefree Areas	Councils using this option
Smokefree Council Buildings and vehicles (enforced)	- All Councils (required by law under Smokefree Environments Act 2016)
Smokefree Council Events (enforced)	- Majority of Councils
Smokefree Green Spaces (Not Enforced)	- Majority of Councils
Smokefree Beaches (Not Enforced)	- Gisborne - Hutt City - Auckland - Western BOP
Smokefree Transport hubs (Not Enforced)	- Auckland - Tauranga - Rotorua - Wellington - Palmerston North - Hawkes bay
Smokefree CBD/Civic Spaces (Not Enforced)	- Rotorua - Palmerston North - Napier - Hastings - Masterton - Whanganui - Hutt City
Smokefree Outdoor dining Leases (Not Enforced)	- Auckland - Rotorua - Palmerston North - Napier - Hastings - Hutt City - Ashburton - Timaru - Central Otago - Westland

14. The table above shows that there are still several types of public space that Council could apply a smokefree policy to.

DISCUSSION

15. Smokefree Outdoor Area policies are not designed to be enforced. They provide leadership and direction for community aspiration to see fewer people smoking in public places, particularly around children. Research has found that in areas where children are present, smokers are more likely to comply with smokefree signage. Likewise, caregivers are more likely to ask smokers to stop or move away in well sign posted smokefree areas.
16. Compliance with this policy would be voluntary. All restaurants, cafés and bars with outside tables are invited to participate with the policy. Free table top or window smokefree signage can be accessed through the Health Promotion Agency.
17. A smokefree outdoor areas policy would contribute towards the Government's stated goal of Smokefree Aotearoa 2025. Regions like Tairāwhiti, Whanganui and West Coast, having high rates of smoking, are likely to come under closer scrutiny from the Government as the 2025 target draws nearer.
18. Implementation of this policy calls for new signage which is currently being provided by the Health Promotion Agency at no cost. The signs are of suitable size and quality, they can be provided in English and Te Reo, meeting our bi-lingual signage requirements and they can be installed at zero cost through Council's business as usual arrangements with Recreational Services.
19. The policy would be accompanied by a communications plan emphasising which areas are smokefree, how organisations and businesses can participate with the policy and where people wishing to quit smoking can access support.

OPTIONS

20. Having assessed the community's needs, other councils' approaches and the available academic research, staff have produced three options for consideration.
21. Council could investigate a bylaw or bylaw amendment to support the Smokefree Aotearoa goal. However, a bylaw or bylaw amendment would not be the appropriate tool to reduce smoking in public places. Under the Local Government Act 2002 (LGA), councils have to demonstrate that the issue is serious enough to warrant a bylaw, that the proposed bylaw is the best way to address the issue, that all other avenues have been explored and that the bylaw can be adequately enforced and monitored. It is considered unlikely that a bylaw would meet any of these four tests.
22. The interaction of such a bylaw with liquor licencing laws also presents complex and so far untested legal questions which Council would need to answer in addition to the above requirements of the LGA before proceeding. For these reasons a bylaw or bylaw amendment to address smoking in public places has not been considered an option.

OPTION ONE: Status Quo formalised (preferred option)

23. Proposes centralising Council's four existing smokefree policies into one. This would designate all Council reserves, parks, playgrounds and destination beaches as smokefree at all times and continue the policy that all Council run and Council sponsored events are required to be smokefree.
24. As this policy takes Council's existing smokefree policies from those listed which were extensively consulted upon, Council can choose to adopt Option One without additional consultation. Implementation of smokefree signage can begin immediately.

OPTION TWO: Extended Smokfree Policy

25. Proposes extending Option One to include Gisborne's CBD and wharf area, suburban centres such as Ballance Street Village and the rural town centres with township plans. Businesses with outdoor seating will be invited to participate by making those areas smokefree, for which Council can provide free table top signage. Compliance with this policy is voluntary, including for businesses which choose to participate.
26. This option requires community consultation. Parks and reserves are wholly owned by Council, and generally visited by choice. Whereas the CBD, the suburban centres and township centres are a mix of council property, private property, business activity, employment and services. Council should consider that while the policy has no statutory effect and compliance is voluntary, the perceived impact on business and livelihood may be significant.

OPTION THREE: 100% Smokefree Region Policy

27. Proposes expanding Option Two significantly by declaring all public places in the city and townships to be smokefree. This would go beyond the smokefree polices of any other New Zealand Council.

Table 2: Options analysis

Option	Effectiveness	Cost	Risks
One: Status Quo formalised (preferred option)	<ul style="list-style-type: none"> Achieves policy objectives. Can be implemented immediately. 	<ul style="list-style-type: none"> Low cost: Installation of signage can be done at zero cost. 	<ul style="list-style-type: none"> Low Risk Community expectation of enforcement would have to be managed through clear communications.
Two: Extended Smokfree Policy	<ul style="list-style-type: none"> Most effective at policy objectives. 	<ul style="list-style-type: none"> Medium cost: Installation of signage can be done at zero cost. Consultation costs. 	<ul style="list-style-type: none"> Low Risk if consultation is thorough. Community expectation of enforcement would have to be managed through clear communications
Three: 100% Smokefree City Policy	<ul style="list-style-type: none"> Loses the effect of clearly defined smokefree areas. 	<ul style="list-style-type: none"> Development, consultation and implementation costs. 	<ul style="list-style-type: none"> Medium to High Risk Not tested in other regions Most contentious Difficult to implement

PREFERED OPTION

28. Option One: Status Quo formalised, is the preferred option. As demonstrated by the above analysis, Option One achieves the policy objectives, at low cost and with low risk.
29. This policy has a review scheduled for 2020, at which time Option Two: Extended Smokefree Policy could be considered and consulted upon as part of the 2021-2031 Long Term Plan.

ASSESSMENT of SIGNIFICANCE

Criteria	This Report	The Process Overall
The effects on all or a large part of the Gisborne district	Low	Medium
The effects on individuals or specific communities	Low	High
The level or history of public interest in the matter or issue	Medium	Medium
Inconsistency with Council's current strategy and policy	Low	Low
Impacts on Council's delivery of its Financial Strategy and Long Term Plan.	Low	Low

30. The decisions or matters in this report are considered to be of **low** significance in accordance with Council's Significance and Engagement Policy. While the preferred option involves actions already consulted upon and this policy will have a low impact on the community.

COMMUNITY ENGAGEMENT

31. Council received two submissions during the 2018-2028 Long Term Plan consultation, requesting Council take a more active role in meeting the Government's Smokefree Aotearoa 2025 target.

CONSIDERATIONS

Financial/Budget

32. The budgetary considerations for this policy are limited to the staff time for development of the policy. No other financial implications have been identified.

Legal

33. This policy gives effect to the Local Government Act 2002 and to section 23 of the Health Act 1956 which requires councils to improve, promote and protect public health within its district.
34. Option One: Status quo formalised, centralises four current smokefree policies and has no legal implications for Council.
35. Option Two: Extended Smokefree Policy has no legal implications associated with extending the Smokefree areas to include the CBD, suburban centres and township centres as this would be a Council policy and not enforced.
36. Option Three: 100% Smokefree Region has no legal implications associated with extending the smokefree policy to cover all public places in the region, as this would be a Council policy and not enforced.

POLICY and PLANNING IMPLICATIONS

37. The policy options described here have no significant policy or planning implications.

NEXT STEPS

Date	Action/Milestone	Comments
11 October 2018	Programmed implementation of signage by Liveable Communities and execution of communications plan..	
Mid 2020	Policy review.	

Appendices

- Appendix 1: Draft Proposed Smokefree Outdoor Areas Policy

Appendix 1

Draft Smokefree Outdoor Areas Policy 2018

Contents

1. Introduction
2. Objectives
3. 2018 Smokefree Areas
4. Implementation
5. Vaping and E-cigarettes
6. Review

1. Introduction

Tairāwhiti has the highest rates of smoking in New Zealand. 30% of adults in the region, twice the national average, self-report as daily smokers, and those figures climb to 41.7% for Maori.

This represents an average of 12.1 cigarettes per smoker per day in Tairāwhiti costing approximately \$5,520 per smoker per year and around \$77.5 million spent on tobacco in this region every year.

The cost to families and the community is far higher. Smokers on average live 10 -15 years less than non-smokers.

Figures for smoking related deaths by region are not available. However, lung cancer death rates in Tairāwhiti are much higher than other regions (36.5 deaths per 100,000 people) and does not take account of the years of preventable illness caused by smoking related chronic heart disease, respiratory disease and stroke.

Smokefree outdoor Areas can contribute toward further denormalising smoking. Reducing the uptake of smoking amongst young people, can aid in achieving the goal of a smokefree Aotearoa 2025.

This policy contributes to 2018-2028 Long Term Plans Community Outcomes

- Tairāwhiti Tangata – Our people
- Tairāwhiti Taonga – Our environment, culture and economy
- Tairāwhiti Wawata – Our aspirations realised

2. Objectives

The objectives of the Smokefree Outdoor Areas Policy are to:

- further denormalise smoking for children and young people by reducing its visibility in public areas
- contribute to improved health and wellbeing by reducing smoking and the impacts of second-hand smoke.

3. Smokefree Outdoor Areas

From 2018 the following Council administered public areas in Tairāwhiti will be designated smokefree;

- a) Playgrounds
- b) Parks and sports grounds, including skate parks
- c) Destination Beaches: Midway, Waikanae, Kaiti, Wainui and Okitu
- d) Outdoor public areas around council buildings and facilities
- e) Smokefree Council run and funded events

4. Enforcement

Council will not pursue any direct enforcement of this policy. Smokefree outdoor areas polices use education and empowerment rather than enforcement and prosecution to reduce smoking in public places and around children. Research has found that in areas where children are present, smokers are more likely to comply with smokefree signage. Likewise, caregivers are more likely to ask smokers to stop or move away in well sign posted smokefree areas.

5. Implementation

Implementation of the policy will involve installation of bilingual signage in the most popular areas, where children and families congregate and an online/social media awareness campaign.

6. Vaping and E-cigarettes

Recent guidance from the Ministry of Health and the World Health Organisation has advised authorities not to legislate against or reduce the availability of vaping and e-cigarettes. Both organisations stated that while not harmless, vaping and e-cigarettes are far less harmful than tobacco, pose no known risk through second hand inhalation and present one of the most effective smoking cessation tools currently available.

As a result of that advice, Council is excluding the use of vaping and e-cigarettes from the restrictions named in this Policy.

7. Review

The policy will be reviewed in 2020 prior to consultation on the 2021-2031 Long Term Plan.