

Council Briefing

Notice of Briefing

Briefing to be held in the Council Chamber, Forum North, Whangarei on:

**Thursday
25 February 2016
1.00pm**

Her Worship the Mayor (Chairperson)
Cr S J Bell
Cr S J Bretherton
Cr C B Christie
Cr P A Cutforth
Cr S J Deeming
Cr S M Glen
Cr P R Halse
Cr C M Hermon
Cr G C Innes
Cr G M Martin
Cr B L McLachlan
Cr S L Morgan
Cr J D T Williamson

1. Drafting a District-wide Smoke-free Policy

Reporting officer: Owen Thomas (Community Services Manager)

Date of meeting: 25 February 2016

1 Purpose

To present to Council the possible content for a draft Smoke free policy and hold a conversation about the extent of influence this document might have.

2 Background

Council considered a report on 'Smoke free 2025' report in August 2014.

This report (see attached) looked at the levels of involvement this Council and other councils have had in this initiative. It also considered the use of bylaws to give further effect to the national 'Smoke free 2025' vision.

The report found that while slightly fragmented, WDC's approach to Smoke-free 2025 was consistent with many other councils across NZ.

The report concluded that the 'bylaw approach' had no legal precedence or regulatory regime in place to support it and would be fraught with difficulty. Therefore, waiting for a national legislative approach was the preferred position.

At the August 2014 Council meeting, Councillor McLachlan tabled a notice of motion; "That the Mayor of Whangarei District Council write to the Prime Minister and the leaders of all parties in Parliament, calling for a ban on the commercial sale of tobacco and cigarettes to take effect on 1 January 2025." This resolution was passed unanimously.

In October 2015 an updated 'Smoke free 2025' report was presented to Council (see attached). The report included additional 'smoke-free' activities from other councils as well as outlining what 'smoke-free' activities Whangarei District Council had been involved in – locally, regionally and nationally, since the 2014 report.

A report titled "Smoke-free 2025 update" was presented to Council in October 2015. At this meeting Council resolved that "*staff draft a district-wide Smokefree policy that will include existing Smokefree policies and further reinforce Council's contribution toward a smoke-free Whangarei by 2025*".

The 2015 report showed that a range of steps had been taken by the Council to further deter smoking in the district and that this work was often the result of collaboration with other organisations such as the Northland District Health Board.

The report stated that the use of educational policies was still the most common approach by councils around NZ. It also recognised that change occurs over time and much of the work completed by other councils over the last 12 months was to improve existing smoke-free policies.

In conclusion, Council received the report and tasked staff to draft a district wide Smoke-free policy that would include existing policies and further reinforce Council's contribution toward a smoke-free Whangarei by 2025.

3 Discussion

This is an educational policy and it is therefore suggested that the draft Policy contains 4 key sections – Purpose, Vision, Objectives and Policy statement (location). Each section has a brief commentary and the suggested content is provided for in italics below.

Purpose:

The information of the 2014 and 2015 reports (see attached) and Council's resolution to proceed with a draft policy sets the purpose for having a Smoke-free Policy.

The suggested content is:

This is an educational policy that will enable conversations and commitments to improving the long term health outcomes for residents in the Whangarei District.

This policy better aligns the efforts of Whangarei District Council with the New Zealand Government's goal of becoming a smoke-free nation by 2025

Vision:

Much of the work undertaken by Whangarei District Council at a 'regional level' and summarised in the 2015 report attached sets the scene for the draft policy's vision. The draft vision provided below would align with the Smoke-free Northland 2025 Statement of Intent and the Child Friendly Cities Statement of Intent WDC committed to through the Northland Intersectoral Forum.

The suggested content is:

Whangarei District Council will have a leadership role in Whangarei District being Smoke-free by 2025. In application, this will mean:

- *Less than five percent of Whangarei District's population will be current smokers.*
- *Public spaces in Whangarei District will be Smoke-free for communities to better enjoy*
- *Our District's children will be free from exposure to tobacco and tobacco use.*
- *Tobacco will be difficult to sell and supply*

Objectives:

The objectives contained within a policy would guide Council's commitments toward achieving the policy's purpose. The suggested objectives for a draft Smoke-free Policy (see below) are orientated around adding value to existing Council activity not developing new actions with significant financial implications.

The suggested content is:

1. *To better understand the impacts, on residents' health and safety, from smoking and 2nd hand smoke in public spaces.*
2. *To make efforts to minimize, contain and/or eliminate the harm of smoking in public spaces*
3. *That this educational policy will be considered in the development or review of other Council policy*
4. *To be responsive to community needs/wants with regard to smoking*
5. *To ensure signage is considered in Council work when relevant and provided when possible*
6. *Use Smoke-free to develop a point of difference to grow our district*

Policy statement:

Currently WDC has two external smoke-free policies that affect public space. Consolidating these policies and then considering the need to present a draft, that further reinforces Council's contribution toward a smoke-free Whangarei by 2025, needs discussion.

To assist this discussion three options are proposed below, these are a progression through the possible locations a Draft Smoke-free Policy could affect. These three options and their contents will be discussed at the briefing. This will help determine the extent of influence the draft policy will have.

The suggested content is:

The following locations are considered to be Smoke-free. This means they will be promoted as smoke free areas through signage and publicity.

Option 1 (the status quo - consolidating existing polices)

- Council owned bus shelters and transport hubs
- Council-owned playgrounds, sports fields and neighbourhood reserves. *Recognising this may be superseded by a management plan approved under the Reserves Act 1977.*

Option 2 (Option 1 + a few more public spaces)

- *Public buildings and facilities operated by WDC*
- *All Parks and Reserves under the control of WDC*
- *Pedestrian areas within the CBD (The Town Basin and Cameron Street/James St)*

Option 3 (All public spaces, excluding commercial leases)

- *All public land owned by the Whangarei District Council is considered to be Smoke-free.*

4 Considerations

4.1 Financial/budget considerations

As a non-enforceable policy there would be limited impact on the existing Regulatory Services contract and/or City Safe contract. The most significant impact would be the cost of providing signage; however, the policy objectives state “*signage is considered in Council work when relevant and provided when possible*”.

Staff are currently in discussion with Northland District Health Board staff about further minimization of cost for providing signage.

4.2 Policy and planning implications

The extent of influence the draft policy will have will determine the impact on future policy and planning work.

4.3 Risks

A district wide policy that discouraged smoking on “*all public land owned by the Whangarei District Council*” would likely receive the attention of national and local media and some negative public sentiment. The promotion of this policy would likely require strong leadership from Council.

4.4 Consultation

Under Council’s Significance and Engagement Policy this draft policy would not be considered significant and therefore will not require a report including an assessment of the degree of significance of the issue, the degree of engagement proposed, the engagement plan proposed and a recommendation.

It may impact on the criteria of “*public impact and/or interest*”; therefore, Council may wish to publically consult on a Draft Smoke-free Policy. This will be discussed at the briefing as a result of the extent of influence drawn from the draft Policy statement.

5 Summary

This briefing will be a conversation about the extent of influence the draft policy will have with particular attention toward the policy statement this policy will include.

The extent of influence this policy has may dictate the level of consultation that occurs.

Attachments

1. [Smokefree 2025 report from 2014](#)
[Smokefree 2025 Attachment 1](#)
2. [Smokefree 2025 update report from 2015](#)
[Bus Shelter Policy](#)
[Parks and Playgrounds Policy](#)
[NIF Statement of intent – Smokefree 2025](#)

Smokefree 2025 Update

Reporting officer Owen Thomas (Community Services Manager)

Date of meeting 28 October 2015

Vision, mission and values

This item is in accord with Council's vision, mission and values statement as it supports the provision of healthy communities as well as a clean, healthy and valued environment; all outcomes sought for our residents.

Introduction

Following a presentation to Council on 'Smokefree 2025', staff were asked to compile a report which was presented to Council in August 2014.

In 2015 that report has been updated, with additional 'smokefree' activities Whangarei District Council has been involved in – locally, regionally and nationally, over the last 12 months.

Background

The 2014 'Smoke free 2025' report looked at the levels of involvement this Council and other councils have had in this initiative. It also considered the use of bylaws to give further effect to the national 'Smoke free 2025' vision.

The report found that while slightly fragmented, WDC's approach to Smokefree 2025 was consistent with many other councils across NZ.

The report concluded that the 'bylaw approach' had no legal precedence or regulatory regime in place to support it and would be fraught with difficulty. Therefore, waiting for a national legislative approach was the preferred position.

At the same Council meeting, Councillor McLachlan tabled a notice of motion; "That the Mayor of Whangarei District Council write to the Prime Minister and the leaders of all parties in Parliament, calling for a ban on the commercial sale of tobacco and cigarettes to take effect on 1 January 2025." This was seconded by Councillor Bretherton and passed unanimously.

Significance and Engagement

Having considered the Significance and Engagement Policy this decision is not considered significant and the public will be informed via Agenda publication on the website.

Locally

As highlighted in the August 2014 report, WDC's current approach toward a Smokefree 2025 revolves around the use of 'educational policies'. When compared to the efforts of other councils this is considered an appropriate approach to facilitating change. Over the last 12 months a number of further steps have been taken, these include:

1. Smoke Free Policy 2010

This internal policy is currently being reviewed.

2. Smokefree Bus Shelters Policy 2014

Refer attachment 1. This policy was evaluated in August 2014. The evaluation showed a 15% drop in smoking at the Rose Street bus terminal. When asked 72% of the Rose Street bus terminal users agreed that people should not be able to smoke in Whangarei's bus shelters. Most Whangarei bus drivers also believed that smoking in Whangarei Bus Shelters set a poor example to children. The Policy is scheduled to be reviewed in May 2016.

Refer attachment 2. This document was originally adopted in 2010 and renewed in September 2015. The policy provides clear direction, with no amendments to the legislative environment, the policy required no changes. The Policy is scheduled to be reviewed in 5 years time.

Regionally

While most of Whangarei District Council's work has contributed to affecting change at a local level its collaborative efforts with other government stakeholders have contributed to affecting region wide change.

1. Northland Intersectoral Forum Smokefree 2025 Statement of Intent

Refer Attachment 3. Whangarei District Council is a member of the Northland Intersectoral Forum (NIF), a forum made up of local councils and central government agencies. In 2014, 15 members of the NIF signed a Statement of Intent committing to Smokefree 2025.

NIF agreed that to achieve the Government's long-term goal of reducing smoking prevalence in Tai Tokerau to <5% by 2025 required leadership at all levels and across all sectors and organisations. The NIF is ideally placed to lead the vision of a Smokefree 2025. This document was signed by WDC's previous CEO.

The signing of this document confirms that WDC supports the Tai Tokerau becoming Tupeka Kore Smokefree by 2025.

The Statement of Intent confirms that Whangarei District Council will support Smokefree 2025 by:

- Expressing support and commitment for the vision of Tupeka Kore Smokefree Tai Tokerau 2025
- Developing and implementing an individual agency plan that will identify specific actions within the organisation to progress the Smokefree 2025 agenda
- Working collaboratively with the Northland DHB Smokefree team to develop the plan as required
- Support the Smokefree 2025 initiatives of other NIF partners.

2. Working with Northland DHB Smokefree team and the Cancer Society Northland

While much of these organisations' work does not involve Whangarei District Council, when it does, they do a great job of working across the organisation with departments such as The Mayor's Office, Parks, Regulatory Services and Community Services. Often this is to engage in existing processes such as the review of the "Council Owned Sports Parks, Playgrounds and Neighbourhood Reserves – Smoke Free Policy" or to assist with activities such as the current review of the internal Smoke Free Policy.

These two organisations also provide Whangarei District Council with regular updates of the activities by other councils toward smokefree 2025.

Nationally

1. LGNZ Remit

A remit was submitted to LGNZ AGM on 19 July requesting central government develop and implement legislation that would prohibit smoking in outdoor dining areas of restaurants, cafes and bars. More than 70 percent of councils voted in favour of the remit. The rationale behind the remit was:

- Numerous measures will be necessary to achieve Government's goal of a Smokefree Aotearoa 2025. The remit indicates to central government that society generally supports more such measures being taken.
- Legislation requiring Smokefree outdoor dining would provide a clear and consistent approach nationally.
- As LGNZ and Councils cannot control whether national legislation is passed or not, it is important that Smokefree environments are broadened to assist achieving Smokefree 2025. Councils can provide leadership and promote Smokefree public places through a variety of mechanisms

2. Communication with the Leaders of all political parties

As requested through a notice of motion, the Mayor corresponded to all party leaders calling for a ban on the commercial sale of tobacco and cigarettes to take effect on 1 January 2025.

Other Councils

As mentioned earlier in this report, the Smokefree team at the NDHB and the Cancer Society Northland often provide Whangarei District Council with regular updates of the activities by other councils toward smokefree 2025. Some examples of the activities of other Councils over the last 12 months include:

- A revised Smokefree Public Place Policy by the Kawerau District Council (September 2015)
- Palmerston North City Council use Signs and Use of Public Places Bylaw to require all AI Fresco Licence holders to display Smoke free signage and not supply ashtrays (August 2015)
- Wellington City Council plans to survey a "representative panel" of Wellingtonians after calls earlier this year to ban smoking on the waterfront. (August 2015)
- Christchurch City Council, Canterbury District Health Board, Smokefree Canterbury and the Cancer Society work collaboratively to extend Christchurch's Smokefree Public Places Policy. This now includes bus shelters and principal entry and exit points on Council owned buildings and facilities (June 2015)
- The Cromwell Heritage Precinct in Central Otago becomes smokefree. (May 2015)
- FNDC renew their Smokefree Parks Playgrounds & Reserves Policy (November 2014)

Conclusion

WDC has continued to make contributions toward 'Smokefree 2025'. The use of educational policies still appears to be the most common approach by local councils to affect change. The remit from Local Government New Zealand (LGNZ) is an indication to central government that more is desired and that legislative change is needed to support this.

WDC's contribution to affecting change continues to be slightly fragmented with localised/specific policies encouraging smokefree behaviours in limited environments.

Last year's report stated that "as smokefree values become more engrained and normalised, the cessation of smoking will be expected and perhaps demanded". The request by LGNZ for the government to do more is an example of the demand for change.

Much of the work conducted by other councils across NZ, since the last year, has been to enhance existing policies by increasing their scope.

The same could be achieved by Whangarei District Council. Such an approach could consolidate existing policies, such as parks and bus shelters, broaden the scope across the district, allow for better policy management and support internal organisational policy.

Recommendation

1. That the information be received.
2. That Council have staff draft a district-wide Smokefree policy that will include existing smokefree policies and further reinforce Council's contribution toward a smoke-free Whangarei by 2025.

Attachments

1. [Bus Shelter Policy \(POLICY 0024\)](#)
2. [Parks and Playgrounds Policy \(POLICY 0034\)](#)
3. [NIF Statement of intent \(15/98411\)](#)

Whangarei District Council Policy

*Bus shelters – Smoke free
policy*

Policy 0024

Bus shelters – Smoke free policy			
Audience (Primary)	External	Business Owner (Dept)	Roading
Policy Author		Review date	May 2016

Policy

Whangarei will be proactive and demonstrate leadership by promoting a smoke free lifestyle as being desirable in Whangarei. Council will send a positive message that our children's health and the environment should be protected from the effects of smoking.

1. That Council owned bus shelters and transport hubs be promoted as smoke free areas through signage and publicity.
2. That the policy be educational.

Whangarei District Council Policy

*Council Owned Sports Parks,
Playgrounds and
Neighbourhood Reserves –
Smoke Free Policy*

Policy 0034

Council Owned Sports Parks, Playgrounds and Neighbourhood Reserves – Smoke Free Policy			
Audience (Primary)	External	Business Owner (Dept)	Parks & Recreation
Policy Author		Review date	July 2015

Policy

- 1 That Council-owned playgrounds, sports fields and neighbourhood reserves be promoted as smoke free areas through signage and publicity.
- 2 That the policy be educational.
- 3 That Council-Owned Sports Parks, Playgrounds and Neighbourhood Parks – Smoke free Policy may be superseded by a management plan approved under the Reserves Act 1977.



Statement of Intent to Support Tupeka Kore Smokefree Tai Tokerau 2025

The Tupeka Kore Smokefree Tai Tokerau 2025 vision:

*Our children and mokopuna will be free from tobacco/smoke and enjoy tobacco/smokefree lives
At least 95% of the Tai Tokerau population will be smokefree
Tobacco will be expensive to purchase and difficult to access*

Rationale for Commitment and leadership for Tupeka Kore Smokefree Tai Tokerau 2025

- Tobacco use is the single largest preventable cause of illness and early death
- Tobacco is a major determinant of inequality in health
- Tobacco dependence is a chronic relapsing condition
- Pregnancy, neonatal, newborn and infant health is negatively affected by exposure to first and second hand tobacco smoke
- Reducing tobacco uptake remains the best opportunity to improve Maori health outcomes and reduce inequities

The Government has set a long-term goal of reducing smoking prevalence to <5% by 2025. Current rates of smoking by Maori within Tai Tokerau are 33.9% and for non-Maori it is 15.6%¹. Although we have seen significant reductions over the last few years there is urgency to change the current trends to a more radical reduction for us to meet our goal of <5% smoking prevalence² by 2025, with a dedicated response on achieving that for Maori.

To achieve this in Tai Tokerau we will require leadership at all levels and across all sectors and organisations. The Northland Intersectoral Forum (NIF) is ideally placed to lead the vision of a Smokefree 2025. This vision aligns with the NIF ORA population outcome: *"The community of Northland is safe and healthy. Our community is physically, spiritually and emotionally healthy. All families thrive through intergenerational leadership. Our children are our future; we nurture them to flourish. We embrace healthy and safe living environments, including violence free communities. We have access to quality services."*

The two strategic priorities that align with the vision are: Promoting healthy lifestyles, and Supporting the development of a Child and Youth Friendly Northland.

This Statement of Intent confirms that Whangarei District Council will support the Tai Tokerau becoming Tupeka Kore Smokefree by 2025. We will do this by:

- Expressing support and commitment for the vision of a Tupeka Kore Smokefree Tai Tokerau 2025.
- Developing and implementing an Individual Agency Plan that will identify specific actions within the organisation to progress the Smokefree 2025 agenda.
- Working collaboratively with the Northland DHB Smokefree team to develop the plan as required.
- Support the Smokefree 2025 initiatives of other NIF partners.

Smokefree 2025 will be achieved by:

- protecting our children from exposure to tobacco marketing and promotion
- reducing the supply of, and demand for tobacco
- providing the best possible support for quitting.

SIGNED

A handwritten signature in blue ink, appearing to be "M. R. J.", written over a horizontal line.

¹ Census 2013

² 'Prevalence' is the regular smokers as a % of the adult population (15years +)

11. Smoke free 2025

Reporting officer Owen Thomas (Community Services Manager)

Date of meeting 27 August 2014

Vision, mission and values

This item is in accord with Council's vision, mission and values statement as it supports the provision of vibrant and healthy communities as well as a clean healthy and valued environment; both outcomes sought for our residents in pursuit of our vision, mission and values.

Introduction

Following a recent presentation to Council on 'Smoke free 2025', staff were asked to compile a report on what levels of involvement this Council and other councils have in this initiative.

In compiling this report, information was collated on 3 levels:

1. Regulatory: Those activities that are enforceable, (eg a bylaw or a secondary element such as the terms and conditions of a lease).
2. Promotion: Those activities that are non-enforceable, (eg. policies or public services to meet local needs).
3. Other: Measures not included above

Some regional analysis has been conducted by the Cancer Foundation (a link to this work is included: <http://www.cantobacco.org.nz/campaigns/smoke-free-councils-outdoor-areas/campaigns/smoke-free-councils>), however, staff conducted their own research across various local authorities to ensure the information provided was as up to date as possible.

What is WDC doing?

Whangarei District Council has a number of policies that relate to smoke free environments. These are listed and summarised below:

1. Smoke free Policy 2010

This internal policy reflects Council's duty to ensure a safe environment for all people on its premises. The content of the policy is made known to all staff on induction and to contractors. The policy provides for assisting staff to stop smoking and prohibits smoking in Council workplaces other than in designated staff smoking areas.

2. Council-owned sports parks & playgrounds – Smoke free policy

As a policy with an educational focus, Council owned playgrounds, sports fields, and neighbourhood reserves are promoted as smoke free areas through signage and publicity. This policy can be superseded by a management plan approved under the Reserves Act 1977.

3. Council-owned bus shelters and transport hubs – Smoke free policy

Another policy with an educational focus, Council owned bus shelters and transport hubs are promoted as smoke free areas through signage and publicity.

4. Smoke free pensioner housing

While not a policy per se, Council has been requiring smoke free terms within the lease agreements for new tenants of our pensioner housing.

What are other Councils doing?

Attachment 1 includes a summarised table of the activities conducted by 16 other NZ Councils. The common trend is a non-punitive approach, with policies having an educational focus rather than emphasising enforceable/regulatory measures.

Bylaw

The conversation on how Councils can give effect to the national 'Smoke free 2025' vision inevitably raises the question of bylaws.

In a recent report, "*What role can local authorities play in tobacco 'end-game' policies in New Zealand?*", Policy Quarterly (Volume 9, Issue 3 – August 2013 p59), academics from Auckland University (Dr K. Palmer, Assoc. Prof. C. Bullen & Dr J. Paynter) considered the use of bylaws, as a smoking cessation tool, to help achieve a smoke free nation by 2025.

This comprehensive report explores a range of legislation, including:

- The Local Government Act 2002
- The Health Act 1956
- The Building Act 2004
- The Smoke free Environments Act 1990
- The Bylaws Act 1910
- NZ Bill of Rights Act 1990

The report critically examines the use of bylaws and highlights an important point to note: "*the question of challenge as to the validity of such bylaws remains an important issue*". The report's conclusion is that the implementation of robust bylaws would require retailers to be licensed and that this step will require evidence that restricting supply will discourage people from starting smoking and increase the number of people quitting. In the end, the report suggests that mayors and council members should be invited to make bylaws.

Applying the arguments of this approach, if a bylaw was drafted, then it should be done in partnership with Public Health and Smoke free NZ, to ensure any licensing regime provided for is based on sound evidence. The pursuit of a bylaw should also take into account that it is likely to be tested in a court of law.

Historically, all significant public health issues are governed by central government through the Ministry of Health and other government departments and through legislation. The Health Act (1956) specifically provides for the licensing and control of registered premises under its regulations (food premises, camping grounds, mortuaries, offensive trades and hairdressers) as activities on these premises, if not properly managed, have the potential to compromise public health. Likewise, the Sale and Supply of Alcohol Act (2012) deals with the issue of harm from alcohol abuse in the community through such provisions as prohibiting liquor consumption in public places and erecting signage warning of any bans.

These existing precedents suggest that any response to smoking (and the effects of smoking in public places) as a widely recognised national public health issue, should be by way of national controls through primary and secondary legislation.

A further key consideration is that a smoke free bylaw could be determined to be a prohibition, as opposed to a regulation. In NZ, persons are legally permitted to smoke, therefore a blanket prohibition may be argued to be ultra vires and an unjustifiable limit on a person's rights and freedoms. However, Council does have authority under s.20 of the Smoke free Environment Act (1990) to pass a bylaw providing people with protection from tobacco smoke. Careful consideration would need to be given for the reasons why Council would wish to make a bylaw, the public places it would cover, and how the matter would be enforced.

There are strong arguments to support a bylaw; particularly the evidence of the harm of second hand smoke, and the nuisance caused by smoking litter. Therefore, Council could explore a bylaw that targets key public locations where the protection of the overall wellbeing of the community could be easily argued, for example Cameron Street Mall or Rose Street Bus Terminus.

The power of enforcement provided by a bylaw is both its greatest strength and challenge. Enforcement requires considerable resources, but also case law interpreting the Bylaw Act (1911) has found a Council to be unreasonable to have a bylaw if it does not enforce it. A bylaw would also require the implementation of signage at the appropriate public places.

The recommendation to formally investigate a bylaw to deal with a "nuisance" (as permitted by the LGA (2002)) must first be resolved by Council. Upon such a recommendation, Council Officers must then undertake a full assessment in accordance with s155 LGA to determine whether a bylaw is the most appropriate way of addressing the problem. This assessment requires an investigation into all of the potential solutions to deal with a nuisance, having due regard to repugnancy, certainty and the reasonableness of such a bylaw.

Conclusion

The steps Council have made toward Smoke free 2025, although slightly fragmented, are consistent with many other councils across NZ. For this reason, the use of educational policies is considered an appropriate approach to facilitating change. This process means that over-time Council can continue to take steps toward Smoke free 2025 inline with its current direction. These could include but are not limited to:

- Additional policies increasing the number of outdoor spaces that are smoke free, such as the Library courtyard, Canopy Bridge, Botanica grounds, Walkways, Cemeteries and carparks.
- Promoting Council events as Smoke free

As Smoke free values become more engrained and normalised, the cessation of smoking will be expected and perhaps demanded. This will only add value to the promotional nature of these activities.

The bylaw approach has no legal precedence or licensing regime in place to support it and is fraught with difficulty. Therefore, waiting for a national legislative approach is recommended.

Recommendation

1. That the information be received

Attachments

1. [Table of Smoke free activities conducted by 16 other NZ Councils](#)

ATTACHMENT 1

Activities of other local authorities that contribute to Smoke free 2025

	Regulatory	Promotion	Other
Ashburton District Council	Has an internal smoke free policy: http://www.ashburtondc.govt.nz/our-council/policies-and-bylaws/Pages/policies.aspx This is for Council staff and visitors to Council premises. A breach of which by staff may lead to a disciplinary procedure.	Has a public smoke free policy: http://www.ashburtondc.govt.nz/our-council/policies-and-bylaws/Pages/policies.aspx This is for Sports fields and playgrounds and uses signage to promote smoke free open spaces	
Buller District Council		Smoke free Environments – Council Buildings and Public Spaces Policy. It covers playgrounds, parks etc as well as council owned and controlled buildings. It's an educational policy and not something that is actively enforced.	Following submissions to this year's annual plan staff have been asked to look at a smoke free policy for council owned pensioner housing.
Christchurch City Council	As new tenants move into social housing their contracts will include a clause which prohibits them smoking inside.	CCC has a smoke free policy in parks and reserves http://www.ccc.govt.nz/thecouncil/policiesreportsstrategies/policies/groups/parksreservesamenities/smokefreepublicplacespolicy.aspx	
Dunedin City Council	The Smoke free Policy has also bought about the inclusion of a clause within all new leases that tenants are not to smoke indoors.	Has a Smoke free Policy that is, fundamentally, an educational tool for: Public places, events and workplaces	
Gisborne District Council		Recently notified its Sports Parks Management Plan for consultation with a policy to prohibit smoking at our sports grounds. That policy is still under consultation at present.	
Hastings District Council		Hastings District Council recommend for their own health and safety, all Senior Housing tenants (aged 55 years and older) who smoke, to do so outside their flat rather than inside. This recommendation is included in the tenancy pack supporting information given to tenants.	

Kawerau District Council			Had a presentation 09/06/14 about Smoke Free Aotearoa 2025 and will be discussing policy implications later this month or early next month.
New Plymouth District Council		Smoke free parks policy can be found on http://www.newplymouthnz.com/CouncilDocuments/Policies/SmokeFreeParksPolicy.htm	Their Council considered a submission to their annual plan http://www.newplymouthnz.com/NR/onlyres/C541ED54-8D0C-4599-AB75-D41796EB82EF/0/RecommendationReportscomplete.pdf
Otago Regional Council		Have smoke free bus shelters (enabled the provision of smoke free signs to go in shelters in a joint project with Public Health) but no legal right to enforce it.	
Palmerston North City Council		PNCC adopted a Smoke Free Outdoor Areas Policy in 2013. It's a "non-enforceable" policy with the emphasis on education and promotion.	
Porirua City Council		Porirua City Council has a smoke free policy in playgrounds and sports-fields. Here's the link to their website page: http://www.pcc.govt.nz/A-Z-Services/Smoke-free-Playgrounds-and-Sports-Fields The policy is educative and not enforced.	
Selwyn District Council		Adopted a Smoke free Public Outdoors Areas policy in December 2011. The policy covers the council owned and/or managed playgrounds and parks including sport grounds. They've placed smoke free signs at each of the playgrounds. They've run smoke free events over the last couple of years and also encouraged other event organisers to make their events smoke free. The policy is being reviewed this year.	
Southland District Council	Just approved a Smoke Free Open Spaces Policy in their Annual Plan - allows for new and renewed leases of Council property to have smoke free conditions on them.	Just approved a Smoke free Open Spaces Policy in our Annual Plan – it focuses on promotion through signage and smoke free messages Promotion is through key partnerships, such as the Cancer Society, Sport Southland, schools, Public Health South etc.	Decided that a bylaw was largely unenforceable in a large region such as Southland.

Waimakariri District Council		<p>Has a Smoke free Green Spaces Policy http://www.waimakariri.govt.nz/Libraries/Public_Documents/Policy_Manual_5_June_2014.sflb.ashx.</p> <p>This was followed up with some good community engagement last year and will be reviewed in about 2 years.</p> <p>Have started with their 12 most key playgrounds in the District & needs rolling out further.</p>	Smoke free NZ have been doing a regional survey and had over 400 responses and those results should be available soon.
Wanganui District Council	<p>http://www.wanganui.govt.nz/our-council/publications/bylaws/Documents/Smoke_freeBylaw.pdf</p> <p>In reality is there is no active enforcement of this law. It is seen as educative rather than punitive.</p>		
Wellington City Council		Wellington City Council is progressively implementing smoke free parks, sports-grounds and playgrounds, and housing.	
Western Bay of Plenty District Council		Have had a Smoke Free Public Spaces Policy since 2009. The policy is educational only and is community enforced.	