



POLICY NO 11/010

SMOKE-FREE OUTDOOR AREAS POLICY

2017

INFORMATION ABOUT THIS DOCUMENT

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Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.
E2017/106607	22/11/2017	Draft Policy for ET approval
#1059891	14/4/11	Draft Policy reported to Council Res 11-277
#1085768		Draft for exhibition purposes 19 May to 16 June 2011
#1159223	13/10/11	Adopted Res 11-801
#1164551	9/11/11	Grammatical errors corrected

Further Document Information and Relationships

List here the related strategies, procedures, references, Management Policy or other documents that have a bearing on this Management Policy and that may be useful reference material for users of this Management Policy.

Related Legislation*	Section 632 Local Government Act 1993 Tobacco Legislation Amendment Act 2012 Smoke-free Environment Act 2000
Related Policies	Policy No. 3.20 – Smoke Free Environment Policy (adopted 29 March 1994)
Related Procedures/ Protocols, Statements, documents	

Note: Any reference to Legislation will be updated in the Management Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.



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1. OBJECTIVES

1.1. *The objectives of Byron Shire Council in banning smoking in various Council areas are to:*

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

2. SCOPE

2.1. *This policy recognises that Council has:*

- a) 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;*
- b) 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;*
- c) An understanding that the damaging effects of passive smoking while well documented in regard indoor areas, is also beginning to emerge in regard outdoor areas; and*
- d) 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.*

3. DEFINITIONS

List here all the terms and acronyms used in the Management Policy, and their definitions.

Policy	A governing principle.

4. STATEMENT

4.1. *Smoking is prohibited in the following areas on Council/Crown land:*

- a) within ten (10) metres of all children’s playground equipment;*

- b) on all playing fields, sporting grounds and facilities (ie swimming pools, outdoor sports fields);*
- c) at all events run or sponsored by Council;*
- d) in alfresco dining areas on public land;*
- e) within ten (10) metres of Council owned or managed buildings including balconies or covered areas of those buildings;*
- f) within all covered bus stops and taxi ranks;*
- g) within Council car parks associated with Council buildings;*
- h) on all beaches;*

And that signage is erected that requests that smoking not take place in the following areas and shows respect and consideration for the amenity of other users of public places on Council owned or managed lands including:

- a) In all bushland, parks and reserves;*

4.2. Further, that this Policy be enforced in any leases, licences 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.

5. LEGISLATIVE AND STRATEGIC CONTEXT

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

- a) Erect suitably worded and strategically placed notices in “public places” (such places including but not limited to public reserves, Crown reserves, patrolled beaches, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the local government area of Byron Shire prohibiting smoking (see, relevantly, s.632 (1) and (2)(e) of the Act);
- b) Serve, by means of an authorised person, a penalty notice upon any person who fails to comply with the terms of any such notice (see, relevantly, s.679 of the Act and cl.5-7 of, and Schedule 1 to, the General Regulation);
- c) 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);
- d) 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
- e) Otherwise prohibit smoking in any place within the local government area of Byron Shire, in respect of which Council is the owner or occupier, as a condition of entry to that place.

6. SUSTAINABILITY

The objectives of this Management Policy directly align with Council’s social and environmental sustainability objectives via the provision of community leadership in taking measures to protect the health and social wellbeing of the community and minimising cigarette butt pollution on Council owned beaches, waterways, parks and other open space areas.

7. AUTHORISED PERSONS

7.1. The following Byron Shire Council staff are “authorised persons”:

- a) Community Enforcement Officers;
- b) Environmental Health Officers;
- c) Waste Education and Compliance Officer

8. SIGNAGE

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

Examples:

- a) Within 10 (ten) metres of all children’s playgrounds;
- b) Around all Council playing fields, sporting grounds and at outdoor sporting facilities;
- c) On all land used for alfresco dining (alternatively lease conditions may be used).
- d) At all events run or sponsored by Council;
- e) Within 10 (ten) metres of Council owned building entrances;
- f) At all covered bus stops and taxi ranks;
- g) At beach access points.

6.2. Signs will be installed in prominent places in the open space areas listed above. The signs will include the international no-smoking symbol and appropriate messaging.

And that signage is erected that requests that smoking not take place in the following areas and shows respect and consideration for the amenity of other users of public places on Council owned or managed lands including:

- a) In all bushland, parks and reserves;

9. LEASES, LICENCES AND OTHER COUNCIL AGREEMENTS

9.1. 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.

10. ENFORCEMENT OF BAN

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

10.2. Enforcement of this Policy will be supported by persuasion and self-policing as a priority with subsequent ,punitive enforcement if and when required.