



NO SMOKING POLICY IN PLAYGROUNDS & PUBLIC PLACES

PURPOSE

The purpose of Council in banning smoking in various Council areas is to;

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

SCOPE

This policy applies to all council owned, controlled and managed land and public places within the Hunters Hill Municipality.

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life threatening health impacts including heart disease, cancer, asthma and other respiratory problems and Council has a role in advocating better public health for its residents.

Therefore in the interests of the health of our local community and environment, Council has adopted this comprehensive smoke-free environment policy.

This policy applies to:

- Within ten (10) metres of all children's playground equipment;
- On all playing fields, sporting grounds and sporting facilities (i.e. swimming pools, outdoor sports centres);
- At all events run or sponsored by Council;
- In alfresco dining areas on public land;
- In Council's pedestrian malls/plazas;
- Within ten (10) metres of Council owned or managed buildings including balconies or covered areas of those buildings;
- In all bushland, parks and reserves;
- Within all covered bus stops and taxi ranks
- Within enclosed Council car parks.



- This Policy to be enforced in any leases, licenses or other estates that apply to Council owned and managed lands and properties
- Internationally recognised signage be erected to indicate that these areas are smoke-free.

DEFINITIONS

Act	Local Government Act 1993
Authorised Persons	Council Law Enforcement Officers and Rangers
Council-owned land	Land either owned by Hunters Hill Council or Crown land under the care, control and management of Hunters Hill Council and land that is being leased by Council.
Recreational Facilities	Facilities owned by council or on Crown land under Council's care, control and management.
Sportsgrounds	Areas of land used primarily for active recreation involving organised sports, including croquet courts, basketball courts, netball courts, bowling greens and the like. Sportsgrounds include the playing surface as well as related ancillary facilities including infrastructure (flood lights, goal posts, nets etc), amenities buildings (clubhouses, toilets, change rooms and storage areas), and other amenities (seating, shade, shelter, barbecues and picnic facilities).
Outdoor Eating	Areas associated with an existing or approved shop, restaurant, café, take away food or drink premises or tavern/pub located on land owned by the Council or under Council's care, control and management where Council has issued a licence for the purpose of outdoor eating.
Children's Playgrounds	Includes simple swing-sets tucked away in local parks to sophisticated custom-built playgrounds for children, with a multitude of activities, located in some of Council's larger parks.



POLICY STATEMENT

PART 1 POLICY GUIDELINES

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.

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

- i) In and Within ten (10) metres of all children's playground equipment;
- ii) In and within ten (10) metres On all playing fields, sporting grounds and sporting facilities (i.e. swimming pools, outdoor sports centres);
- iii) At all events run or sponsored by Council;
- iv) In alfresco dining areas on Council – owned land;
- v) In Council's pedestrian malls/plazas;
- vi) Within ten (10) metres of Council owned or managed buildings including balconies or covered areas of those buildings;
- vii) In all bushland, parks and reserves and foreshores
- viii) Within all covered bus stops and taxi ranks
- ix) Within enclosed Council car parks;

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

WARNING: Heavy Penalty. Regulated under s632 NSW Local Government Act 1993

1.1. Leases, license and other Council agreements

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.

1.2. Children's Playgrounds and Equipment

The Council will erect signs in accordance with S.632 (1) and (2)(e) of the Local Government Act 1993, in the vicinity of all Children's Playgrounds and equipment to notify that smoking is prohibited in and within 10 metres and that penalties apply.

Children's playgrounds situated within community centre grounds that are currently leased by the Council to other organisations will be subject to a smoking prohibition on the renewal of existing leases, unless voluntarily imposed up by the lessee.

1.3. Sportsgrounds and Recreational Facilities

Permits for the hire of Council's sportsgrounds and recreational facilities will have smoke-free clauses inserted into their agreements for use. Conditions of hire will require enforcement by the hirer of the smoking prohibition in the designated vicinity of sportsgrounds and recreational facilities.

Bowling greens, croquet courts, basketball courts and netball courts that are currently leased by the Council to other organisations will be subject to a smoking prohibition on the renewal of existing leases.

Sportsgrounds and recreational facilities hirers are responsible for notifying players and spectators of the restrictions on smoking and for managing the prohibition for the period of the hire.

The Council will erect signs in accordance with S.632 (1) and (2)(e) of the Local

Government Act 1993, in the vicinity of the sports fields and recreational facilities to notify that smoking is prohibited in and within 10 metres and that penalties apply as required to gain compliance.



1.4. *Outdoor Eating*

Agreements to lease outdoor eating spaces, will have smoke-free clauses inserted into their licence agreements for use. The lessee and or licensee will be responsible for enforcing the restrictions on smoking and for any noncompliance. If there are continuous breaches, penalties may apply in accordance with S626 (3) of the Local Government Act 1993 and licences may not be renewed.

Outdoor Eating License and Permit Holders are responsible for enforcing the restrictions on smoking and for any non-compliance in the area covered by the Permit/Licence Agreement.

1.5. *Enclosed Bus Shelters and Taxi Ranks*

Council will erect signs in accordance with S.632 (1) and (2)(e) of the *Local Government Act 1993*, in the vicinity of all enclosed bus shelters and taxi ranks situated on Council-owned land, to notify that smoking is prohibited and that penalties apply.

1.6. *Erections of Signs*

Council will erect signs in accordance with S.632 (1) and (2)(e) of the *Local Government Act 1993*, in the vicinity of all Council-owned land and on Crown land and other lands under Council's care, control or management as specified in this policy, to notify that smoking is prohibited and that penalties apply.

1.7. *Education and Enforcement*

The Council will conduct educational programs to support the bans and to promote community awareness and acceptance. Council Rangers have the authority to enforce the smoking bans and to issue penalties in accordance with s.679 of the Act.

1.8. *Enforcement of Ban*

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

Enforcement of this Policy will supported by persuasion and self-policing, rather than punitive enforcement.



RELATED RESOURCES

The Policy should be read in conjunction with:

- Local Government Act 1993
- Smoke-free Environment Act 2000
- Occupational Health & Safety Act 2000
- Playing Field Bookings (Seasonal) - Hiring Policy
- Parks and Reserves Regulations Policy
- Parks and Reserves – Use Policy
- Outdoor Eating Policy

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

- Erect suitably worded and strategically placed notices in “public places” (such places including but not limited to public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the local government area of [locality] prohibiting smoking (see, relevantly, s.632 (1) and (2)(e) of the Act);
- Serve, by means of an authorised person, a penalty notice (Penalty: \$110.00) 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);
- 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);
- 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
- Otherwise prohibit smoking in any place within the local government area of (name), in respect of which Council is the owner or occupier, as a condition of entry to that place.



POLICY OWNER

The policy authority is the Group Manager Development & Regulatory Control.

AUTHORISATION AND REVIEW

Next Review Date

This policy is due for review in 2015 or with any change to relevant legislation or Council policy.

Version Control Table

Date	Version	Res. No.	Key Changes	Author
26.03.2012	1	80/12		General Manager
12.06.2012	1.1	170/12		General Manager