

# GLEN EIRA SMOKE-FREE OUTDOOR POLICY

## 1. Purpose and Objective:

The purpose of this *Policy* is to protect, improve and promote the health and wellbeing of the Glen Eira community by creating Smoke-Free Zones in outdoor areas of the Glen Eira activity centres.

The objectives of the *Policy* are to:

- Provide community leadership to protect the health and wellbeing of the community;
- Reduce the rates of smoking in the community;
- Improve the health and wellbeing of the Glen Eira community;
- Raise community awareness of the health issues associated with smoking;
- Reduce the impact of smoking on the community by promoting Smoke-Free Zones;
- Improve public amenity and maintenance of Council property; and
- Reduce tobacco related litter in our environment.

Through the implementation of the Smoke-Free Outdoor Policy, Council will have the ability to designate Smoke-Free Zones within Glen Eira's activity centres. This will complement the existing State legislation and provide a more appropriate local response whilst not overlapping, duplicating or conflicting with it. The Policy includes the use of e-cigarettes and smoking shisha tobacco.

## 2. Background:

The Victorian Government has progressively strengthened the *Tobacco Act 1987* to ban smoking in many public places. The most recent substantive changes came into effect on 1 August 2017 banning smoking in outdoor areas at hospitality and food venues including footpath dining, courtyards and beer gardens.

Under these laws, venues can dedicate some or all of their outdoor areas to smoking and drinking by ceasing service of food to the area. Venues can change the status of their outdoor areas from smoking to non-smoking at different periods of the day and night.

The Glen Eira *Municipal Public Health and Wellbeing Plan 2017-2021* makes the objective (in Priority 4) to 'reduce the impact of smoking, alcohol and other drugs on the community', noting our municipality has one of the highest smoking rates in the Southern Metropolitan Region.

Glen Eira City Council is committed to further reducing the impacts of smoking on our community in our outdoor public spaces.

## 3. Policy Statement:

This *Policy* recognises that Council has an obligation to promote public health outcomes and focuses on reducing harm to the community from involuntary exposure to second-hand smoke.

#### **4. Council Responsibility and Implementation:**

Council's Civic Compliance and Public Health departments have developed this *Policy* in conjunction with other Council departments. They will be responsible for the implementation and compliance of this *Policy*, with other Council departments when required.

#### **5. Scope:**

5.1 This *Policy* aims to provide the framework through which Council will limit community exposure to second-hand smoke in outdoor spaces of Glen Eira activity centres, where implemented.

5.2 This *Policy* applies to Glen Eira activity centres, where a Smoke-Free Zone has been implemented. The application of this *Policy* will be undertaken in a phased approach to eventually include all Glen Eira activity centres. A full list of Glen Eira activity centres is available in the *City Plan - Activity Centre, Housing and Local Economy Strategy 2020*.

5.3 This *Policy* applies to all Glen Eira residents, visitors, community groups, organisations, businesses and Council staff, volunteers and contractors where they are operating in a dedicated Smoke-Free Zone.

5.4 This *Policy* excludes areas in our activity centres already covered by State legislation bans include train stations, tram-stop platforms, tram and bus shelters, outdoor areas at hospitality and food venues, footpath dining areas, courtyards and beer gardens.

5.5 This *Policy* acknowledges that each of Glen Eira's activity centres is unique and different in size, shape, services and identity and the boundary of a Smoke-Free zone in an activity centre will incorporate different spaces. Generally, the *Policy* includes areas in our activity centres that are not currently covered by State legislation such as footpaths, walkways, plazas, and other open spaces.

#### **6. Policy:**

##### **6.1 *Smoke-Free Outdoor Policy* Local Law**

6.1.1 The Local Law will implement this *Policy*. The aim is to reduce second-hand smoke exposure to our community and limit tobacco related litter in our environment.

6.1.2 It is the intention that enforcement of the Local Law will only commence 12 months after an activity centre has been designated a Smoke-Free Zone to provide an adjustment period.

##### **6.2 Identification of Smoke-Free Zones**

6.2.1 Smoke-Free Zones will be implemented in Glen Eira activity centres.

6.2.2 Glen Eira activity centres are detailed in the *City Plan - Activity Centre, Housing and Local Economy Strategy 2020*, there are eighteen (18) in total.

6.2.3 The boundary of a Smoke-Free Zone will be determined for each activity centre during the pre-implementation engagement period as detailed in the *Smoke-Free Outdoor Policy – Communication and Education Campaign Plan*.

6.2.4 Smoke-Free Zones will be clearly indicated with signage supplied by Council.

6.2.5 All Glen Eira Smoke-Free Zones will be identified on a Smoke-Free Zones map available on Council's website.

6.3 Enforcement of the *Policy* will be undertaken in accordance with the *Policy* and the associated Local Law.

6.4 If required, designated smoking areas will be clearly marked. These will only be permitted in strategically located areas to ensure risk of any exposure to second hand smoke is significantly reduced, and associated litter is controlled. The need for a designated smoking area can be highlighted in the pre-implementation engagement detailed in the *Smoke-Free Outdoor Policy – Communication and Education Campaign Plan*.

6.5 Comprehensive consultation will support the implementation of a Smoke-Free Zone in an activity centre, as described in the *Smoke-Free Outdoor Policy – Communication and Education Campaign Plan*.

6.6 The implementation of a Smoke-Free Zone will be undertaken in conjunction with an associated communication and education campaign to ensure the municipal community is aware of the new restrictions. Please refer to the *Smoke-Free Outdoor Policy – Communication and Education Campaign Plan* for full details.

## **7. Procedure:**

7.1 The associated Local Law allows for Council to enforce a Smoke-Free Zone in an identified Glen Eira activity centre.

7.2 Before prescribing an activity centre as a Smoke-Free Zone, Council will undertake the following process:

- a. consult with relevant Council departments, external stakeholders, local businesses, organisations, community groups and the municipal community of the identified activity centre.
- b. collaboratively develop a plan for implementation utilising feedback from consultation, including defining the boundary of the Smoke-Free Zone.

7.3 Implementing a Smoke-Free Zone, Council will:

- a. implement the Smoke-Free Zone in conjunction with the *Smoke-Free Outdoor Policy – Communication and Education Campaign Plan*.
- b. make relevant amendments to leases, licences, hire agreements, and permits if necessary.

7.4 Provide in the activity centre; Quit Smoking support, information or resources available to the municipal community.

7.5 Support local businesses, organisations and community groups through the implementation of the Smoke-Free Zone.

7.6 Inform the community, local businesses, organisations and community groups following the implementation of the Smoke-Free Zone.

## **8. Definitions:**

**Smoking** – Using, smoking, holding or otherwise having control over an ignited or heated tobacco product. Using an e-cigarette to generate or release an aerosol or vapour.

**Second-hand smoke** – smoke inhaled involuntarily from a person smoking.

**Smoke-Free Zone** – part of an outdoor area in a Council activity centre in which smoking is not allowed.

**Activity Centre** – a mixed-use area that provides a focus for commercial, retail, employment, housing, transport, services and social interaction.

**Public Place** – the same meaning as given in the *Tobacco Act 1987*.

## **9. Compliance**

Compliance with this *Policy* is expected to occur through self-regulation by community members and increased public awareness of Smoke-Free Zones. If required, authorised Council officers will be able to take enforcement action against people found smoking in dedicated Smoke-Free Zones and require them to extinguish the e-cigarette or tobacco product and dispose of appropriately.

Smoke-Free Zones signage and public communication and education strategies will be used to inform the community where, why and how Glen Eira activity centres are smoke free.

It is the intention that enforcement of the Local Law will only commence 6 months after an activity centre has been designated a Smoke-Free Zone to provide an adjustment period.

## **10. Related Victorian legislation**

- *Public Health and Wellbeing Act 2008*
- *Tobacco Act 1987*
- *Local Government Act 1989 (Vic)*
- *Local Government Act 2020 (Vic)*

## **11. Adoption**

The Glen Eira *Smoke-Free Outdoor Policy* was adopted by Council on 21 July 2020.

## **12. Review**

The *Policy* will be reviewed after one year from the adoption date, or earlier if requested by Council.