

9.11 OUTCOME OF ADVERTISING AND ADOPTION OF NEW SMOKE FREE AREAS, AND SMOKE FREE AREAS - EDUCATION AND ENFORCEMENT POLICY.

- Attachments:
1. Smoke Free Areas
 2. Smoke Free Areas - Education and Enforcement Policy

RECOMMENDATION:**That Council:**

1. **NOTES** final adoption of the *Local Government Property Amendment Local Law 2022* (addressed in a separate item) allows Council to determine smoke free areas;
2. **APPROVES** a determination in accordance with Part 5, Division 6 of the *Local Government Property Local Law 2021* (as amended), that the five areas demonstrated in Attachment 1 be smoke free, subject to the Chief Executive Officer providing local public notice in accordance with clause 5.19(3)(a) of the *Local Government Property Local Law 2021* (as amended), noting determination of the five smoke free areas after final scrutiny of the *Amendment Local Law 2022* by the Joint Standing Committee on Delegated Legislation; and
3. **ADOPTS** the *Smoke Free Areas – Education and Enforcement Policy* at Attachment 2.

PURPOSE OF REPORT:

To present the outcome of public consultation and seek approval for:

- Designating the areas demonstrated in **Attachment 1** to be smoke free; and
- adoption of the Smoke Free Areas – Education and Enforcement Policy (Policy) at **Attachment 2**.

BACKGROUND:

The Public Health Plan 2020 – 2025 (PHP) was adopted at its Ordinary Meeting of [20 October 2020](#). There is a target within the PHP is to achieve ‘Smoke Free Town Centres by 2025’, to reduce community exposure to environmental tobacco smoke and create healthy environments for people to live, work and play.

From 12 May to 31 August 2021, the community, businesses and public health stakeholders were invited to have their say on draft smoke free boundaries for Leederville, Mount Hawthorn, North Perth, Beaufort Street and William Street. A total of 345 submissions were received from residents, property owners, workers, business owners and visitors. Amendments were incorporated in the draft smoke free boundaries as a result of submissions.

At its Ordinary Meeting of [16 November 2021](#), Council approved the making of the [Local Government Property Local Law 2021](#) which provides Council with the power to prescribe an area where smoking is prohibited (Part 5 (Division 6)). The Local Law became operational on 14 December 2021.

At its Ordinary Meeting of [8 February 2022](#), Council approved providing public notice of its intention to prescribe five smoke free areas as shown in **Attachment 1** and conduct community consultation on the proposed new Smoke Free Areas – Education and Enforcement Policy. The purpose of the proposed Policy is to guide the implementation, education and enforcement of smoke free areas to reduce community exposure to harmful second-hand smoke.

Subsequent to this decision, on 24 February 2022, the Joint Standing Committee on Delegated Legislation (JSCDL) considered the *Local Government Property Local Law 2021* and advised Mayor Cole to action certain undertakings. These included specifying that smoke free areas do not include vehicles within thoroughfares within clause 5.16 (c) and (d). At its Ordinary Meeting of [17 May 2022](#), Council approved advertising the draft *Local Government Property Amendment Local Law 2022*.

In accordance with the City’s [Community and Stakeholder Engagement Policy](#), public notice was given for the five smoke free areas demonstrated in **Attachment 1** and the recommended new Policy in **Attachment 2** between 9 February and 3 March 2022 which is in excess of the 21 days required.

Public notice was given via the City's website, a notice in Perth Now and Perth Voice, inclusion on notice boards at the City's Administration building and Library. An email was also sent out to everyone who previously commented on the draft smoke free areas.

DETAILS:

Administration proposes no changes to the five smoke free areas demonstrated in **Attachment 1** or the recommended Smoke Free Areas Education and Enforcement Policy at **Attachment 2**, as no public submissions were received. This is in contrast to previous community consultation when 345 submissions were received, however the new Policy has been designed to address previous concerns raised.

The objectives that would be delivered throughout the project to ensure that smoke free areas are a success are detailed below:

Education and awareness

Engagement activities have been planned including pop-up events at prominent places and spaces in our Town Centres, a launch event, public awareness campaigns, and targeted communication campaigns for population groups with higher smoking rates and young people. An indicative timeline is detailed in the following table.

ENGAGEMENT ACTIVITY	TIMELINE
Pop-up events in Town Centres Delivery of activities and pop-up events in Town Centres to residents and business owners using an external marketing agency. These events will be at prominent places and spaces in our Town Centres to let the community know that smoke free areas will be implemented.	Oct – Dec 2022
Launch of Smoke Free Town Centres (proposed date) Event delivered at Mary Street Piazza, Beaufort Street.	1 Nov 2022
Public Awareness Campaign 1 – To promote the benefits of smoke free environments to the community and businesses.	Sept – Nov 2022
Public Awareness Campaign 2 – To educate on the harms of smoking and second hand smoke.	Dec 2022 – Jan 2023
Targeted campaign 1 – To support people experiencing social and economic disadvantage Proactively promote quitting to organisations that support people experiencing social and economic disadvantage e.g. Nyoongar Outreach Service, Uniting WA and Foyer Oxford.	Feb – Mar 2023
Targeted campaign 2 – To educate young people on the harm from second hand smoke and e-cigarettes. Workshops and information sessions delivered to Schools/Youth Groups/Sporting Clubs	Apr – May 2023
Signage A variety of friendly and attractive smoke free signage will be placed in our Town Centres with a focus on places where people currently smoke. Campaign messaging will be included on the signs to educate and inform people of the smoke free areas.	Oct 2022 – Mar 2023

For the duration of the project there is to be ongoing engagement with businesses affected by the smoke free areas, to provide direct advice on managing the transition of the footpath to a smoke free area.

Supporting our vulnerable population groups

Organisations that support people experiencing social and economic disadvantage will be encouraged to engage with Cancer Council's Make Smoking History priority settings program to proactively promote quitting to their clients. These organisation include Nyoongar Outreach Service, Uniting WA, Salvation Army, Foyer Oxford, Ruah Community Services and the Aboriginal Health Council of WA.

Support people to quit

The project will promote smoking cessation opportunities to adults who are trying to quit by engaging with the local pharmacies who offer smoking cessation services. The City would also promote Quitline (a confidential,

evidence-based telephone counselling service) and the benefits of quitting through targeted public awareness campaigns to population groups with higher smoking rates.

Signage

Signage would be used to inform the community of smoke free areas and would be installed in prominent places in smoke free areas and include permanent and temporary signage. A variety of clear, friendly and effective smoke free signage will include:

- permanent street signage on poles and bins;
- decals on pavements;
- banner flags;
- business signage for windows and outside seating areas; and
- temporary signage around poles.

Signage would also be translated into different languages to be understood by culturally and linguistically diverse communities, this will be particularly important for the William Street Town Centre.

Monitoring, auditing and evaluation

Regular Town Centre audits will be carried out over a 6 month period starting before the launch of the smoke free areas. The audit includes smoking observations, second hand smoke exposure, compliance and cigarette butt counts. The community and businesses will be able to provide ongoing feedback and observations of the smoke free areas throughout the 6 month audit. An evaluation report will be produced to assess the success of the project and make recommendations for next steps.

CONSULTATION/ADVERTISING:

No further consultation is required.

LEGAL/POLICY:

Section 2.7(2)(b) of the Local Government Act 1995 provides Council with the power to determine policies.

The City's [Policy Development and Review Policy](#) sets out the process for repealing and adopting policies.

Part 5, Division 6 of the *Local Government Property Local Law 2021 (as amended)* provides Council with the power to prescribe an area where smoking is prohibited. Council must follow 5.19 of the *Local Government Property Local Law 2021 (as amended)* when making a smoke free area determination.

Under clause 2.5 of the *Local Government Property Local Law 2021 (as amended)*, the local government is to keep a register of determinations.

At this Ordinary Meeting on 26 July 2022, Council are to consider adopting the *Amendment Local Law 2022*. If adopted, Council can then consider approving the five areas demonstrated in **Attachment 1** as smoke free. Administration would wait for final scrutiny of the *Amendment Local Law 2022* by the JSCDL before publishing a local public notice determining the approved areas as smoke free. The smoke free areas in **Attachment 1** would not be enforceable if the JSCDL disallow the Local Laws.

Smoke free areas are consistent with the purpose of the [Tobacco Products Control Act 2006](#) (section 3) detailing the 'purpose of the act are to reduce the incidence of illness and death related to the use of tobacco products – by reducing the exposure of people to tobacco smoke from tobacco products that are smoked by other people'.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to adopt the Policy and the new smoke free areas.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Enhanced Environment

We have minimised our impact on the environment.

Thriving Places

Our town centres and gathering spaces are safe, easy to use and attractive places where pedestrians have priority.

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This is in keeping with the following key sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

*Waste Reduction***PUBLIC HEALTH IMPLICATIONS:**

This is in keeping with the following priority health outcomes of the City's [Public Health Plan 2020 – 2025](#):

Reduced smoking

The Smoke Free project is one of the major projects for the Public Health Plan 2020 – 2025. The City is striving towards 'Public Health Leadership', which is one of the five pillars of the Plan. This involves a commitment to lead, influence and advocate for optimal public health. Public health leadership encourages shared responsibility, both within the organisation and through stakeholder partnerships. This project will help contribute towards reducing community exposure to environmental tobacco smoke and create healthy environments for people to live, work and play.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$40,000 is included in the 2022/2023 operational budget for costs associated with prescribing new smoke free areas.

Administration has been successful in receiving a \$72,557 grant from Healthway to support the implementation of this project. The grant will cover further community engagement, education and communication strategies, along with design and installation of suitable smoke free signage. The grant will also include evaluation of the project, and includes a part-time contract role to support the project.

COMMENTS:

The City will become one of only a handful of local governments in Western Australia, and nationally, to implement smoke free town centres and will become a sector leader in delivering this project. The project will contribute towards reducing the harms from smoking and help foster healthy environments within our Town Centres for everyone to enjoy.











Smoke Free Areas – Education and Enforcement Policy

Legislation / local law requirements	Part 5, Division 6 of the Local Government Property Local Law 2021
Relevant delegations	Clause 3.1.1 – Council to CEO – all Local Laws Clause 3.1.5 – Delegation be CEO to other employees – Local Government Property Local Law
Related policies, procedures and supporting documentation	City of Vincent Public Health Plan 2020-2025 – D20/90003 WA Director of Public Prosecutions: Statement of Prosecution Policy and Guidelines.

PRELIMINARY

INTRODUCTION

This policy is designed to support the implementation of the City of Vincent Public Health Plan 2020-2025, including the target to have smoke free Town Centres by 2025.

PURPOSE

The purpose of this policy is to outline principles to guide the implementation, education and enforcement of smoke free areas to reduce community exposure to harmful second-hand smoke.

OBJECTIVE

To:

- normalise smoke free environments;
- reduce smoking exposure among the community;
- deliver clear smoke free messages to the community and businesses;
- define the intended implementation approach of smoke free areas to primarily focus on education and awareness;
- provide guidance for officers authorised to enforce the Local Government Property Local Law 2021; and
- identify principles that should be considered when making decisions relating to smoke free areas.

SCOPE

The policy applies to smoke free areas which have been determined in accordance with Part 5, Division 6 of the Local Government Property Local Law 2021.

Smoke Free Areas – Education and Enforcement Policy

POLICY PROVISIONS

DEFINITIONS

The City of Vincent Local Government Property Local Law 2021 contains the following definitions:

Smoke and/or smoking means to smoke, hold or otherwise have control over an ignited tobacco product; light a tobacco product; or use an e-cigarette.

E-cigarette means a portable device that is designed to generate or release an aerosol or vapour for personal use.

Authorised person means a person authorised by the local government under section 9.10 of the *Local Government Act 1995* to perform any of the functions of an authorised person under the local law.

Smoke free area means an area prescribed by Council under the Local Government Property Local Law 2021 as an area where smoking is prohibited. See Attachment 1.

POLICY

1. Implementation of smoke free areas – education and awareness

- 1.1 Smoke free areas are determined in accordance with Part 5, Division 6 of the Local Government Property Local Law 2021. The smoke free areas are designed to provide clear boundaries so the community can understand where smoke free areas exist;
- 1.2 The implementation of smoke free areas is to focus on education and awareness to the community and businesses, recognising there is no safe level of exposure to second-hand tobacco smoke.

2. Community safety in smoke free areas

- 2.1 Designated smoking areas would not be determined within or near to the smoke free area, as the intent of smoke free areas is not to encourage smoking;
- 2.2 Alternative spaces to smoke are available and would be well lit, visible to other people and away from residential premises; and
- 2.3 The City can provide information to community members and businesses on these alternative spaces, however the main focus is to discourage the practice of smoking;

3. Enforcement of smoke free areas

- 3.1 Enforcement of smoke free areas is included in the Local Government Property Local Law 2021 as an option for observed non-compliance;

Smoke Free Areas – Education and Enforcement Policy

- 3.2 For the first six months of a smoke free area being prescribed by Council, there would be a transition phase when the focus would be solely on education and awareness (detailed in clause 1.2), with enforcement to commence after this period;
- 3.3 The following principles would be considered by an authorised person when making enforcement decisions relating to observed non-compliance in smoke free areas:
- The number of times an offence has been observed, graduating to enforcement if a person is unresponsive to education;
 - The safety and vulnerability of the person; and
 - The public interest to pursue enforcement described in the WA Director of Public Prosecutions: Statement of Prosecution Policy and Guidelines.

4. Smoke free signage

- 4.1 Signage would be used to inform the community of smoke free areas;
- 4.2 Signage would be installed in prominent places in smoke free areas and include permanent and temporary signage.

OFFICE USE ONLY	
Responsible Officer	Manager Built Environment and Wellbeing
Initial Council Adoption	
Previous Title	N/A
Reviewed / Amended	
Next Review Date	

Smoke Free Areas – Education and Enforcement Policy

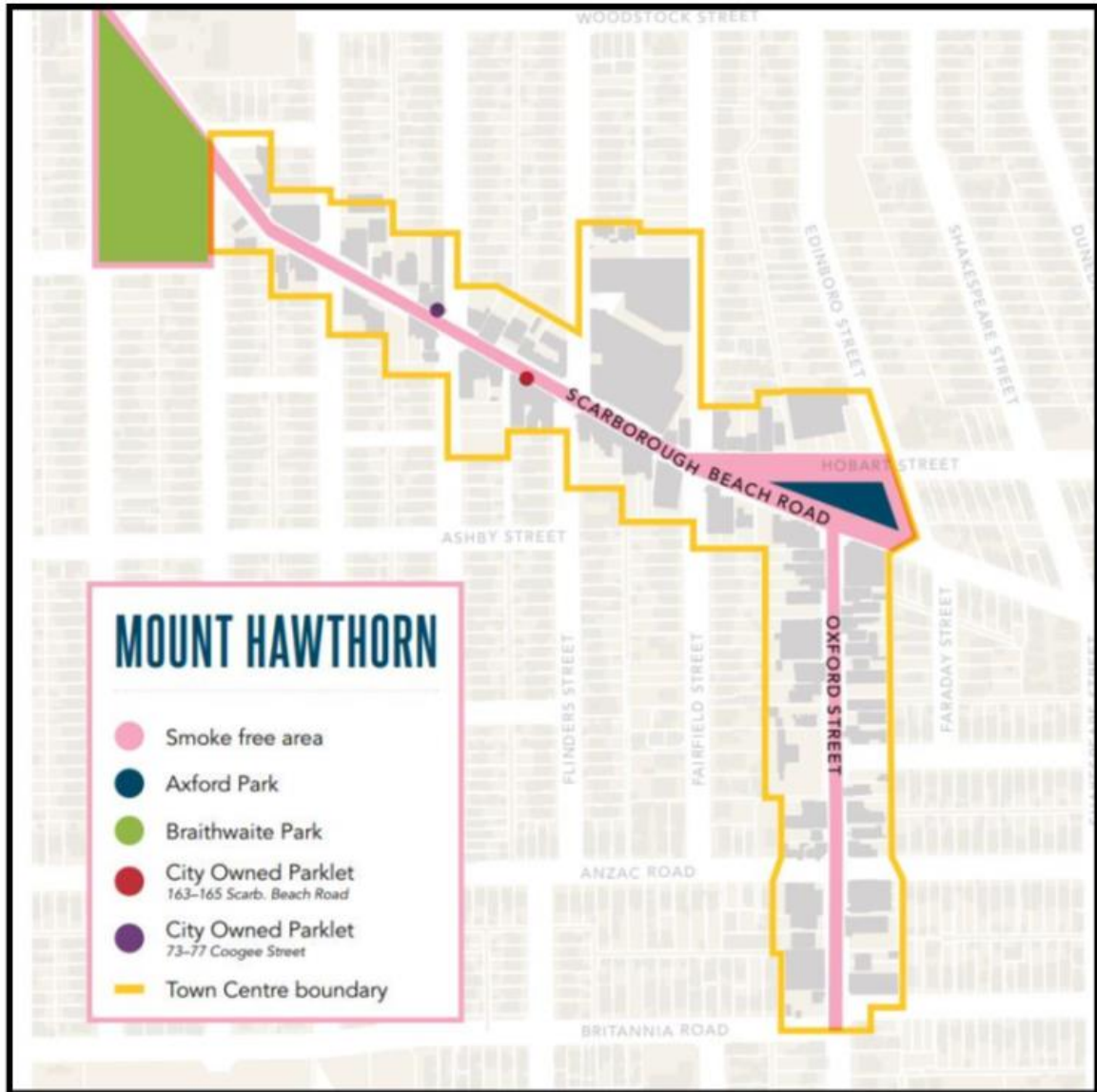
Attachment 1 – Smoke Free Areas



Smoke Free Areas – Education and Enforcement Policy



Smoke Free Areas – Education and Enforcement Policy



Smoke Free Areas – Education and Enforcement Policy



