
S135. Smoke Free Zones in Manly

Title: Smoke Free Zones in Manly Policy

Policy No: S135

Keywords: Smoke Free, No Smoking Implementation, Smoking, No-Smoking, Authorised Person

Responsible Officer: Manager, Customer service and Special Projects, General Manager's Unit

1. PURPOSE AND AUTHORITY

The purpose and overall objective of this policy is to set out Manly Council's policy position as respects the banning of smoking in various Council areas.

This policy will be enforced, by "authorised persons", on any leases, licences or other estates that apply to Council owned and managed lands and properties.

The responsibility for the implementation of this policy is with the Manager Customer Service and Special Projects.

2. POLICY STATEMENT

Rationale and commitment

Manly Council 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 which, while well-documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas as well; 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, and asthma.

Signage

Smoke-free zones are to be signposted, wherever practicable, using internationally recognisable no smoking signage. These signposts are to be displayed in positions deemed appropriate by the General Manager.

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

- within 10 (ten) metres of all children's playgrounds;
- around all Council playing fields, sporting grounds and at outdoor sporting facilities;
- on all land used for alfresco dining (alternatively lease conditions may be used);
- at all events run or sponsored by Council;
- within 10 (ten) metres of Council owned building entrances;
- at all ocean and harbour beaches;
- in all bushland, parks, reserves and public plazas;
- in all enclosed Council car parks; and
- at all covered bus stops and taxi ranks.

Signs are to be installed in prominent places in the open space areas listed above. The signs are to include the international no-smoking symbol and the wording:
"WARNING: Heavy Penalty. Regulated under s632 *NSW Local Government Act 1993*."

Leases, licenses and other Council agreements

Council buildings and outdoor dining areas that are leased, licensed or hired by Council are to have smoke-free clauses inserted into their agreements for use.

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 be supported by persuasion and self-policing, rather than punitive enforcement.

Smoking – Council-owned buildings

Smoking was prohibited from all Council buildings at all times from 1 May 1992.

3. PRINCIPLES

Manly Council is committed to the following principles which underpin and support this policy, namely, the need and responsibility for Council 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; and
- minimise cigarette butt pollution on Council owned beaches, waterways, parks and other open space areas.

4. SCOPE

This policy applies to all Council officials (including Councillors and Council staff and consultants engaged by Council) who are involved, directly or indirectly, in decision-making (including preparatory and recommendatory decision-making) with respect to the subject-matter of this policy.

Insofar as land is concerned, this policy applies to all land that is:

- situated within 10 (ten) metres of all children's playgrounds;
- located around any Council playing field or sporting ground as well as at any outdoor sporting facility;
- used for alfresco dining (alternatively lease conditions may be used);
- used for the conduct of any event run or sponsored by Council;
- situated within 10 (ten) metres of any Council owned building entrances as well as those managed by Council (including balconies and covered areas of those buildings);
- situated at any ocean or harbour beaches;
- within any bushland, park, reserve or public plaza;
- within any enclosed Council car park; and
- situated at any covered bus stop or taxi rank.

5. DEFINITIONS

Authorised Person: For the purpose of this policy, Council rangers and lifeguards are deemed to be "authorised persons" and may serve a penalty notice upon any person reasonably

suspected of failing to comply with the terms of any notice with respect to, relevantly, smoking.

See also the Dictionary at the end of the Local Government Act 1993 for definitions of various terms and expressions used in this policy.

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

Council and/or the General Manager may, during a civil emergency only, set aside any policy terms to ensure public safety.

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

Breaches of this policy are considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this policy.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this policy to ensure it remains current and aligned to best practice policies.

10. RELEVANT REFERENCES AND LEGISLATION

Local Government Act 1993 (in particular, sections 24 and 632 of that Act)

Local Government (General) Regulation 2005

Smoke-free Environment Act 2000.

11. RELEVANT COUNCIL POLICIES

Manly Council Code of Conduct.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance