



LEETON SHIRE COUNCIL
Preserving the Past, Enhancing the Future

**LEETON SHIRE COUNCIL
POLICY**

SMOKE FREE OUTDOOR AREAS

1. INTRODUCTION

- 1.1 This policy provides a framework to enable Council to implement smoking bans in specific outdoor areas.

2. POLICY STATEMENT

- 2.1 This policy prohibits smoking:

- 2.1.1 Within all Council buildings.
- 2.1.2 Within 10 metres of all children's playground equipment in areas under Council's care.
- 2.1.3 Within a commercial outdoor dining areas on public land where Council has conditioned such agreements to occupy the land.
- 2.1.4 At the Leeton and Whitton Swimming Public Pool complexes.
- 2.1.5 Spectator areas of all Council sports grounds or other recreational areas while organised sporting events are being held.
- 2.1.6 At all Council bus stops.
- 2.1.7 Within 4 metres of a pedestrian access point to all Council buildings.

3. OBJECTIVES

- 3.1 The objectives of Leeton Shire Council in banning smoking in various Council areas are to:
 - 3.1.1 Improve the health of community members
 - 3.1.2 Improve public amenity and maintenance of Council property
 - 3.1.3 Raise community awareness of the issues associated with smoking
 - 3.1.4 Provide community leadership in taking measures to protect the health and social wellbeing of the community and
 - 3.1.5 Minimise cigarette butt pollution in public places.
 - 3.1.6 To comply with the Smoke-free Environment Act 2000 and the Local Government Act 1993.

4. PRINCIPLES

- 4.1 This Policy recognises that Council has:
 - 4.1.1 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;
 - 4.1.2 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;

- 4.1.3 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
- 4.1.4 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.

5 LEGISLATION

- 5.1 Under the NSW Smoke-free Environment Act 2000 and the Local Government Act 1993, Council has the power to:
 - 5.1.1 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, public roads within 10m of children's play equipment, areas set aside for or being used by spectators to watch an organised sporting event at a Council sports ground or recreational area only when an organised sporting event is being held there and bus stops within the local government area of Leeton prohibiting smoking (s.632 (1) and (2)(e) of the Act)
 - 5.1.2 Serve, by means of an authorised person, a penalty notice upon any person who fails to comply with the terms of any such notice (s.679 of the Act and cl.5-7 of, and Schedule 1 to, the General Regulation)
 - 5.1.3 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 (s.680 of the Act)
 - 5.1.4 Remove, by means of an authorised person, from community land any person who fails to comply with the terms of any such notice (s.681 of the Act)
 - 5.1.5 Otherwise prohibit smoking in any place within the local government area of Leeton, in respect of which Council is the owner or occupier, as a condition of entry to that place.

6 AUTHORISED PERSONS

- 6.1 The following Leeton Shire Council staff are 'authorised persons':
 - 6.1.1 Council Rangers.

7 SIGNAGE

7.1 The following Council open space areas will be signposted via signage or adhesive stickers, wherever practical, to provide smoke-free zones:

- 7.1.1 Within all Council buildings.
- 7.1.2. Within ten (10) metres of all children's playground equipment
- 7.1.3 On all public land used for alfresco dining (alternatively agreement/lease conditions may be used).
- 7.1.4 At the Leeton and Whitton Public Pool complexes.
- 7.1.5 Spectator areas while organised sporting events are being held.
- 7.1.6 All Council bus stops.
- 7.1.7 Within 4 metres of a pedestrian access point to all Council buildings.

8 LEASES, LICENCES AND OTHER COUNCIL AGREEMENTS

8.1 Outdoor dining areas that are leased, licensed, hired or occupied by agreement with Council will have smoke free clauses inserted into the agreement/lease for use.

9 ENFORCEMENT OF BAN

9.1 In implementing Council's Smoke Free Outdoor Areas Policy, a program of community education and awareness, specifically targeting residents and visitors, may be undertaken.

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

10 RELATED COUNCIL POLICIES

10.1 No Smoking Policy – Council buildings, vehicles and items of plant.

11 RELATED LEGISLATION

- 11.1 S.632 NSW Local Government Act 1993.
- 11.2 Smoke-free Environment Act 2000.

Policy History:

Date of Adoption/Amendment	Resolution Number
23 March 2011	11/100
26 June 2013	13/136
22 February 2017	17/018