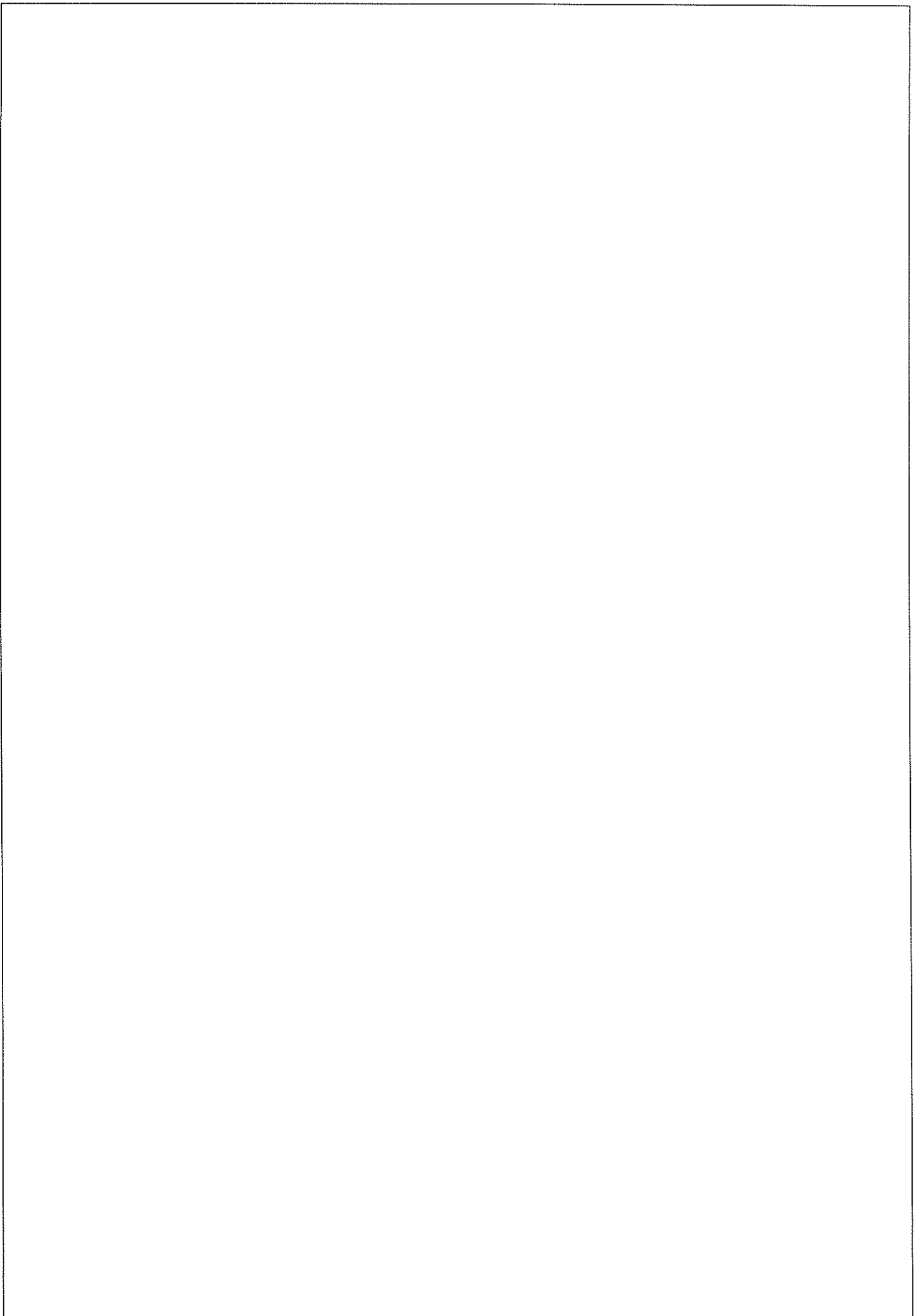


# **Submission on Nelson City Council Draft City Amenity Bylaw**

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## **Introduction**

1. Nelson Marlborough Health (Nelson Marlborough District Health Board) (NMH) is a key organisation involved in the health and wellbeing of the people within Te Tau Ihu. NMH appreciates the opportunity to comment from a public health perspective on the Nelson City Council (NCC) Draft City Amenity Bylaw.
2. NMH makes this submission in recognition of its responsibilities to improve, promote and protect the health of people and communities under the New Zealand Public Health and Disability Act 2000 and the Health Act 1956.
3. While NMH supports the intent of the proposed bylaw, it considers that one key issue for meeting the proposed bylaw's purpose "*to protect, promote and maintain public health and safety and amenity in the City centres*" still remains unaddressed by the proposal or other policy. This relates to smoking in public areas.
4. Accordingly, the introduction of a smokefree Nelson CBD is the main focus of this submission. Some further comments are also made around security and accessibility.
5. NMH acknowledges that the 'Control of alcohol in public places' is addressed by the *Urban Environments Bylaw (No. 225) 2015* and, as such, will not be discussed further within this submission.

## **Smokefree environments**

6. NMH has consistently expressed its desire for NCC to make the streets and public spaces of Nelson CBD smokefree environments including through previous submissions on the NCC long term and annual plans.
7. NMH believes that a smokefree CBD should be considered as a part of the current proposed City Amenity Bylaw process particularly in giving proper regard to its purpose "*to protect, promote and maintain public health and safety and amenity in the City centres*".
8. A smokefree Nelson CBD would also support the Government's goal of becoming a smokefree nation by 2025 and align with the following NCC community outcomes:
  - "*We nurture our young people so Nelson is a safe and healthy place for everyone to grow up and live*"
    - National and international evidence shows the importance of smokefree outdoor areas in de-normalising smoking as a socially acceptable activity, therefore decreasing the incidence of smoking especially amongst young people.<sup>1</sup>

- *"There is more attention to health promotion...."*
    - Smokefree areas reduce the risk of adverse health effects from second-hand smoke exposure<sup>2</sup> and encourage smokers to quit.<sup>3</sup>
  - *"We recognise the importance of a healthy environment for tourism, and minimise the impacts of human activities on the environment"*
    - Smokefree areas can reduce the impact of cigarette-related litter in outdoor areas, resulting in reduced cleaning costs, fire risk and environmental impacts.<sup>4</sup>
9. NMH notes that a range of approaches are used nationally by local authorities to support smokefree CBDs or service areas, for example:
- The use of non-regulatory smokefree policies in Palmerston North, Napier, Hastings and Horowhenua;
  - In addition, Palmerston North has a *Signs and Use of Public Places Bylaw* (2015) which requires businesses that use sidewalk/pavement seating to have smokefree signs, and bans the provision of ashtrays in outdoor dining areas;
  - Hastings and Napier have smokefree zoning conditions in licence agreements for the use of areas set up for cafe or dining purposes on pavements or other publically-owned land;
  - A smokefree bylaw in Whanaganui. Auckland Council is currently investigating a draft smokefree bylaw to complement its smokefree policy which it plans to extend into urban centres by 2018.
10. The World Health Organisation<sup>5</sup> (WHO) considers that enforceable approaches are needed to effectively protect the population from second-hand smoke exposure stating *"Legislation that mandates smokefree environments – not voluntary policy – is necessary to protect public health"*.
11. International research shows that smokefree outdoor public places underpinned by local or state legislation has been very effective and resulted in:
- Decreased smoking rates<sup>6-8</sup>
  - High compliance<sup>9-15,19</sup>
  - Increased quit attempts and decrease in relapse<sup>16-19</sup>
  - Reduced cigarette litter and clean-up costs<sup>20-22</sup>
  - Reduced exposure to second-hand smoke.<sup>23</sup>
12. The research also shows that regulations were easy to enforce or had high compliance without much need for active enforcement.
13. While the use of regulatory approaches is backed by WHO and international experience, NMH acknowledges that at this point in time a bylaw enforcing

smokefree areas may not be seen as the most favourable mechanism for introducing a smokefree Nelson CBD.

14. Notwithstanding this, NMH notes that there are other policy instruments, as set out above, that can be used if it is determined that a bylaw is inappropriate through this current process. NMH is aware that some local authorities have chosen to start with non-regulatory policy to gain social co-operation before phasing in stronger measures. NMH considers that a similar approach would still be a huge step in the right direction and result in much improved community health and environmental outcomes.

#### Decision sought

15. That a smokefree Nelson CBD is considered as a part of the proposed City Amenity Bylaw process.
16. That in the event it is determined inappropriate to enforce smokefree areas through bylaws, that plans are made to use other policy mechanisms to introduce a smokefree Nelson CBD with a view to review the use of regulatory measures in the future.

#### **Security**

17. Part three, section 9 of the proposed bylaws addresses Security. Clause 9.1 currently states "The Council may install and maintain under veranda lighting in the city centres **to provide security for retail and commercial premises**" [emphasis added].
18. In enhancing the feeling of public safety and reducing the incidence of violence and crime, NMH considers that the purpose of installing and maintaining under veranda lighting should be extended to also include "public health and safety".

#### Decision sought

19. That clause 9.1 of the proposed bylaws is amended to read "*The Council may install and maintain under veranda lighting in the city centres to provide for public health and safety and security for retail and commercial premises*".

## **Accessibility**

20. NMH supports clause 8.3 of the proposed bylaws. Footpaths need to be free of obstacles and pedestrians need to have adequate space. This is particularly important for people with sight impairments and those with limited mobility who are risk of accidents if footpaths are obstructed.
21. Additionally, NMH supports the clause requiring adequate emergency services access. It is important that emergency services can access sites as quickly as possible to ensure public and personal safety.

## Decision sought

22. That proposed clause 8.3 is retained.

## **Conclusion**

23. NMH thanks NCC for the opportunity to comment on the Draft City Amenity Bylaw.
24. While NMH supports the intent of the proposed bylaw, it considers that action to introduce a smokefree Nelson CBD still needs to be addressed through the bylaw process or other policy.
25. NMH sees it as very important for the NCC to continue to work in partnership with NMH on smokefree environments and welcomes further discussion on this particular matter.
26. NMH **does not wish to be heard** in support of its submission.

Yours sincerely



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## References

- <sup>1</sup> Auckland Council. 2016. *Review of Auckland Council's Smokefree Policy 2013*. Findings Report. Auckland: Auckland Council
- <sup>2</sup> Health Promotion Agency. 2013. *Acceptability of extended smokefree areas and smokefree cars*. Wellington: Health Promotion Agency
- <sup>3</sup> World Health Organization. 2015. *Tobacco*. Fact sheet No 339. Copenhagen: WHO Regional Office for Europe
- <sup>4</sup> Cancer Society of New Zealand and Health Sponsorship Council. 2008. *Smokefree councils implementation kit: A guide for local health promoters*. Wellington: Cancer Society of New Zealand and Health Sponsorship Council
- <sup>5</sup> World Health Organisation. 2007. *Protection from exposure to second-hand tobacco smoke: Policy recommendations*. France: World Health Organisation.
- <sup>6</sup> Zablocki RW, Edland SD, et al. 2014. Smoking ban policies and their influence on smoking behaviors among current California smokers: a population-based study. *Prev Med* 59:73-8.
- <sup>7</sup> Sherer M., "Michael Bloomberg Wants to be Mayor of the World" *Time* p20-31 Retrieved from: <http://content.time.com/time/magazine/article/0,9171,2154409,00.html#ixzz2huo6Gj15>
- <sup>8</sup> Cited in media article *The Guardian* 15 October 2014: Smoking in London's parks should be banned, health advisers tell Boris Johnson retrieved from <http://www.theguardian.com/society/2014/oct/15/boris-johnson-advised-ban-london-parks>.
- <sup>9</sup> Queensland government. 2007. 2007 Review of Smoke-Free Laws: Discussion paper. Queensland Health, Australia. Accessed on 24th Nov 2014 from <http://web.archive.org/web/20120506214603/http://www.health.qld.gov.au/tobaccolaws/documents/33161.pdf>
- <sup>10</sup> Market Communications Research. 2006. *Tobacco Laws Campaign Evaluation - A quantitative research report*. Queensland: MCR for Queensland Health. Retrieved from <http://www.ashaust.org.au/SF'03/files/QldReport0609.pdf>
- <sup>11</sup> Dhaliwal N, Kiser D, Boschert T. 2008. *Compilation of Information and Report of Community Smoke-Free Parks Survey in 10 California Cities with Smoke-Free Parks Policies*. CCAP – California's Clean Air Project.
- <sup>12</sup> Klein EG. 2005. *Tobacco-Free Parks and Recreation Study*. University of Minnesota. Available at: [http://www.tobaccofreeparks.org/documents/Park\\_Study\\_Factsheet.pdf](http://www.tobaccofreeparks.org/documents/Park_Study_Factsheet.pdf)
- <sup>13</sup> *Seoul's Challenges and Achievements for an Environmentally Sustainable Healthy Urban Transport System* Accessed 10.12.215 [http://www.wpro.who.int/environmental\\_health/documents/docs/SeoulReportonESHUT.pdf](http://www.wpro.who.int/environmental_health/documents/docs/SeoulReportonESHUT.pdf)
- <sup>14</sup> Perth City Malls and Forrest Place are now Smoke Free What a breath of fresh air. Retrieved on 18.1.16 from: <http://www.ehawa.org.au/documents/item/901>
- <sup>15</sup> Okoli, C., Johnson, A., Pederson, A., Adkins, S., & Rice, W. 2013. Changes in smoking behaviours following smokefree legislation in parks and on beaches: an observational study. *BMJ open*, 3(6), e002916.
- <sup>16</sup> Chaiton M, Diemert L, Zhang B, et al. 2014. Exposure to smoking on patios and quitting: a population representative longitudinal cohort study. *Tobacco Control* 2014.
- <sup>17</sup> Zablocki RW, Edland SD, et al. 2014. Smoking ban policies and their influence on smoking behaviors among current California smokers: a population-based study. *Prev Med* 59:73-8.
- <sup>18</sup> Hammond, D., McDonald, P., Fong, G., Brown, K., Cameron, R. 2004. The Impact of Cigarette Warning Labels and Smokefree bylaws on Smoking Cessation: Evidence from former smokers in *Canadian Journal of Public Health* 95 (3), 201-204.
- <sup>19</sup> Stephens, T., Pederson, L. L., Koval, J. J., & Macnab, J. 2001. Comprehensive tobacco control policies and the smoking behaviour of Canadian adults. *Tobacco Control*, 10(4), 317-322.
- <sup>20</sup> Johns, M., Coady, M. H., Chan, C. A., Farley, S. M., & Kansagra, S. M. 2013. Evaluating New York City's smoke-free parks and beaches law: A critical multiplist approach to assessing behavioral impact. *American journal of community psychology*, 51(1-2), 254-263.
- <sup>21</sup> Klein EG. 2005. *Tobacco-Free Parks and Recreation Study*. University of Minnesota. Available at: [http://www.tobaccofreeparks.org/documents/Park\\_Study\\_Factsheet.pdf](http://www.tobaccofreeparks.org/documents/Park_Study_Factsheet.pdf)
- <sup>22</sup> Presentation by Andrew Brown at Smokefree Outdoors Forum, Wellington, February 2012
- <sup>23</sup> Azagba, S. 2015. Effect of smoke-free patio policy of restaurants and bars on exposure to second-hand smoke. *Journal of Preventative Medicine* 76 ,74-78.