

PRESCRIBED SMOKE FREE AREA PILOT - THE CAUSEWAY

10 September 2013

Presenter: Russell Webster, Manager Health Services

Purpose and background

1. The purpose of this report is to seek approval to pilot a smoke free area in The Causeway for the period 1 October 2013 to 31 March 2014.
2. Clause 3A.3 of Council's *Activities Local Law 2009* (Local Law) allows the Council to prescribe areas of the municipality to be smoke free. Before doing so, clause 3A.4 of the Local Law requires Council to take into account a number of factors including the opinions of occupiers of any part of the smoke free area such as businesses with outdoor dining permits and both the benefits and detriments to the community (see Attachment 2).
3. The Australian Medical Association recently suggested to Council's management and the People City portfolio Chair that consideration be given to a smoking ban in a city laneway or street with outdoor dining. Similar recommendations were made with regards to alfresco dining areas by Quit Victoria and Heart Foundation Victoria in 2010.
4. Currently there are no Victorian laws banning smoking in outdoor dining areas that are not enclosed.
5. There are a total of 11 retail businesses situated at street level in The Causeway, of which nine are food businesses. All of these food businesses currently have outdoor seating. A further three properties have access directly into the street including The Walk, the Causeway Inn and Causeway House which has a mixed use of residential apartments and offices.
6. The outcomes of interviews conducted with businesses in The Causeway indicated that the majority would support the proposal (see Attachment 2).

Key issues

7. It is proposed that the entire length of The Causeway, between the entrances at Bourke Street Mall and Little Collins Street (Attachment 3) be prescribed as a smoke free area from 1 October 2013 until 31 March 2014. This timeframe encompasses the busiest time for outdoor dining, being the spring and summer months. It would be implemented as a pilot.
8. The effectiveness of the pilot will be monitored over the six month period with the intent to review the impacts on and feedback from stakeholders. Feedback from the public would be via onsite surveying and Council's website with links advertised in The Causeway or the duration of the pilot.
9. The outcomes and evaluation findings will be reported back to Council at the end of the pilot period. Council could then consider implementing a permanent smoking ban in The Causeway and/or other similar locations throughout the municipality.
10. A communication strategy has been developed that targets businesses, residents, diners and pedestrians. Signage would be located at the main entry points to the Causeway from Bourke Street Mall, Little Collins Street and from The Walk.
11. In making the amendment to the Local Law on 26 June 2012, the resolution of Council requires a public consultation with the community as a pre-condition to any future extension of the smoke free areas under clause 3A.3 of the Local Law. Given that this is intended to be a pilot for a period of six months, it is proposed that public consultation with the community be undertaken during the same period. Should Council deem that public consultation is required prior to the commencement of the pilot, then a start date of 1 October 2013 could not be achieved.

Recommendation from management

12. That the Future Melbourne Committee:

- 12.1 Approves the area known as The Causeway, (shown in the Attachment 3), being prescribed as a smoke free area for the period 1 October 2013 to 31 March 2014 under Clause 3A.3 of the Activities Local Law 2009.
- 12.2 Requests management report back to Future Melbourne Committee in May 2014 with findings of the pilot.

Attachments:

1. Supporting Attachment
2. Guidelines for prescribing smoke free areas
3. Map of proposed smoke free area, The Causeway

SUPPORTING ATTACHMENT

Legal

1. Clause 3A.3 of the Activities Local Law 2009 allows Council to prescribe any other area within the municipality to be a smoke free area.
2. Council must follow the guidelines incorporated in Part 2 of Schedule 2 to this Local Law when deciding whether to prescribe an area as a smoke free area under clause 3A.3.

Finance

3. In 2013–14, there is a budget of \$250,000 for community consultation. The costs for the pilot will be attributed to this budget.
4. It is estimated that the six month pilot for The Causeway will require approximately \$10,000 for the design and installation of signage and a further \$5000 for laneway enhancements. This can be met within the existing budget allocation.

Conflict of interest

5. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

6. As part of the community consultation, businesses in The Causeway were interviewed during the week commencing 29 July 2013. See attachment 2 for a summary of the results.
7. No further consultation has occurred at this stage.

Relation to Council policy

8. The recommendations in this report align with the following Council Plan Goal and Priority and Action:
Goal 1: A city for people
Four Year Priority 5: Protect the community from passive smoking by expanding smoke free areas.
Year one action 5.1: Further implement smoke free public spaces

Environmental sustainability

9. In developing this proposal, the potential impact of increased cigarette butt litter in specific areas has been considered as have the benefits of reduced butt litter in The Causeway itself. Health Services and Engineering Services will monitor this and undertake action accordingly should an increase of butts become a problem in the surrounding areas.

GUIDELINES FOR PRESCRIBING SMOKE FREE AREAS IN ACCORDANCE WITH SCHEDULE 2 PART B ACTIVITIES LOCAL LAW 2009

The Activities Local Law 2009 requires that Council has regard to the following factors when determining whether to prescribe a smoke free area:

1. Size of the proposed smoke free area

The area of the proposed smoke free area, approximately 250m², is depicted in Attachment 3.

2. The opinions of any Person who is the Owner or Occupier of any part of the proposed smoke free area

The table below shows a summary of business engagement interview results.

	No. Businesses	No. Interviewed	Support	Not Support	Undecided
Total	19	12	10	1	1
Street Level	12	10	9	1	0
Food Premises	9	8	7	1	0

For the purposes of this smoke free area, the owner is the City of Melbourne and the occupiers include businesses with street trading activities, this being all of the food businesses.

3. The proximity of the proposed smoke free area to a public place, part or all of which is not in a smoke free area

The Causeway abuts Bourke Street Mall and Little Collins Street, both of which are not smoke free areas.

4. The extent and outcome of any public consultation on the proposed smoke free areas

See item 2 above. Further public consultation will be conducted during the period of the pilot.

5. Any benefits to the community which would be achieved by Council prescribing the proposed smoke free area

The benefits could include:

- a potential increase in business activities as the area becomes more inviting and attractive to patrons;
- a cleaner, more pleasant laneway experience for patrons and members of the public;
- reduced risks to health associated with second hand smoke in the laneway;
- modelling behaviour to children as they would not be exposed to smoking whilst using the laneway; and
- the provision of a supportive environment for those wishing to quit smoking and those who have recently quit.

6. Any detriments to the community which would be caused by Council prescribing the proposed smoke free area

The detriments could include:

- a potential decrease in business as a result of smokers choosing alternative location to smoke and eat/drink;
- the smoke free area has resulted in a loss in business, (which may or may not have resulted from other factors); and
- perceptions that Council is effectively granting a competitive edge to similar businesses nearby that are not subject to the smoke free area.

MAP OF PROPOSED SMOKE FREE AREA - THE CAUSEWAY

