

Community & Services Committee

21 September 2023

Report for Agenda Item | Rīpoata moto e Rāraki take [2]

Department: Strategy & Policy

Title | Taitara : Consideration of a smoke free policy for the Queenstown Lakes District

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to:

- a) canvas current information on smoking and vaping use in the Queenstown Lakes District (the District),
- b) provide a preliminary assessment of options, their associated costs and benefits, and timing to assist elected members determine how best to proceed with a review of Council's existing 2006 'Smoke-Free Policy in Playgrounds, Sports Fields and Swimming Pools' (2006 Smoke-Free Policy), and
- c) recommend an option to proceed with the review of the 2006 Smoke-Free Policy.

Executive Summary | Whakarāpopototaka Matua

Smoking characteristics have changed considerably since 2006. Fewer people are choosing to smoke traditional tobacco and new vape products appear to be replacing the use of tobacco smoking for many people. Central government has introduced new goals to achieve a 'Smoke Free Aotearoa' and a new national regulatory regime is in place.

In response, this report recommends that Councillors confirm the commencement of a confined review of the 2006 Smoke-Free Policy. A confined review approach would begin with the development of a work programme to set out the key steps, milestones and costs necessary to understand the amendments needed to ensure the 2006 Smoke-Free Policy aligns with current national objectives, incorporates vaping activity, and responds to initial engagement with key stakeholders.

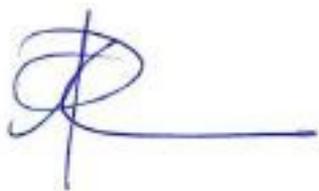
This report does not request any decisions on specific amendments to the 2006 Smoke-Free Policy. If Councillors confirm the commencement of a confined review approach, they will be presented with proposed amendments ahead of any wider public engagement or formal notification of changes to the 2006 Smoke-Free Policy.

Recommendation | Kā Tūtohuka

That the Community & Services Committee:

- **Note** the contents of this report, and
- **Confirm** the commencement of a confined review (Option 2 set out in **Table 4** below) of the 2006 'Smoke-Free Policy in Playgrounds, Sports Fields and Swimming Pools'.

Prepared by:



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16 August 2023

Reviewed and Authorised by:



Name: Michelle Morss
Title: General Manager, Strategy and Policy
30 August 2023

Context | Horopaki

1. The Cancer Society of New Zealand (Otago & Southland Division) (the Cancer Society) made a submission (Attachment A) on the Draft Activities in Public Places Bylaw (2023) (the Bylaw). The submission sought the creation of a strategy to implement a smoke-free and vape-free policy for the District, ideally by including it in the Bylaw. Although the matter of a smoke-free policy was not subject to the final Bylaw, the hearings panel recommended that Council consider the scope and resourcing necessary to progress a smoke-free policy for the District.
2. At their 10 August 2023 Full Council meeting, elected members adopted the Bylaw. Resolution 7 addressed the hearing panel's recommendation reading as follows:
Recommend that officers present a report to the 21 September 2023 Community and Services Committee meeting to canvas the current information, options and timing relating to progression of a smoke free policy for the district.
3. Resolution 7 was approved by elected members. The current report gives effect to this resolution.

Analysis and Advice | Tatāritaka me kā Tohutohu

Council's current approach to managing smoking and vaping

4. Council's 2006 Smoke-Free Policy¹ is attached to this report (**Attachment B**). The policy was adopted on 24 November 2006. It is a brief policy, having just two provisions as follows:
 1. *Council owned playgrounds and swimming pools are declared smoke free.*
 2. *The policy be educational as opposed to penal in seeking compliance.*
5. The 2006 Smoke-Free Policy is now 16 years old and should be reviewed to consider if it has been effective and efficient, if its scope is appropriate, how it measures up with Council's current responsibilities and overall strategic direction, and how it aligns with the national regulatory regime.
6. Council initiated a review of the 2006 Smoke-Free Policy in 2019. This programme covered smoking and vaping. As part of this work, Council undertook an initial trial of smokefree zones across a number of outdoor spaces. A report was presented to Full Council at its 12 December 2019 meeting to approve this trial². These smokefree zones included the most visited and visible beach front locations in Queenstown, Wānaka, Frankton and Glenorchy³. The trial actively discouraged the use of tobacco smoking from the zones but did not ban the use of vape products.
7. The 2019 review programme notes the following measures as being considered⁴:
 - a) *To draft and consult on a new smokefree policy and action plan in 2020, likely to focus on education and awareness rather than taking a punitive approach.*
 - b) *Smokefree zones across public land and venues e.g. Queenstown and Wānaka waterfronts (trials initially).*
 - c) *Smokefree outdoor dining on public land (trial initially).*
 - d) *Link to responsible camping hubs to make messaging accessible for visitors.*
 - e) *Signage/local no-smoking zone branding (consistent)*
 - f) *Education for locals and visitors – communications campaigns, short quick cycles, link to the wider “no littering/environmental protection” message.*
 - g) *Communication for visitors – translated.*
 - h) *Friendly enforcement education.*
 - i) *Engagement with iwi to align the approach with cultural values and aspirations.*
8. Consultation was undertaken on the smokefree trial. Council received 74 responses. Of the 74 responses to the question ‘Do you support the locations (Frankton Beach, Queenstown Bay,

¹ QLDC Smoke Smoke-Free Policy in Playgrounds, Sports Fields and Swimming Pools

<https://www.qldc.govt.nz/media/404bpkhe/smoke-free-policy-in-playgrounds-sports-fields-and-swimming-pools.pdf>

² Smokefree Beaches Trial 2019-2020, 12 December 2019 Full Council Meeting

<https://www.qldc.govt.nz/media/wugkrut4/6-smokefree-beaches-pilot-report.pdf>

³ Attachment A, Smokefree Beaches Trial 2019-2020, 12 December 2019 Full Council Meeting

⁴ Section 8, Smokefree Beaches Trial 2019-2020, 12 December 2019 Full Council Meeting

Wānaka waterfront, Glenorchy waterfront) becoming permanent smokefree and vape-free zones' 55 responded yes, 14 responded no, 4 responded not sure, and 1 response recorded a mix of no and not sure. This consultation illustrates a high degree of support for action to be taken.

9. Feedback from the trial also highlighted concerns with tobacco waste products such as cigarette butts being discarded inappropriately, resulting in environmental impacts.
10. Following the arrival of COVID-19 Council paused the Smoke-Free Policy review work programme.
11. Central government has recently amended smoking and vaping regulation and Council has made submissions on these changes. **Table 1** below provides an overview of Council's position on these proposals.
- 12.

Table 1 – Council submissions on central government smoking regulation proposals	
Proposal	Council Position
Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill (Bill).	<p>On 24 August 2022 Council made the following submission points⁵:</p> <ul style="list-style-type: none"> - Council supports: <ul style="list-style-type: none"> - efforts to reduce smoking - reducing retail availability of tobacco - reducing the appeal and addictiveness of tobacco - introducing a 'Smokefree Generation' policy by prohibiting the sale of smoked tobacco products to anyone born on or after 1 January 2009 - Council has a role in promoting community wellbeing - Vaping is also having harmful impacts on communities in the District - Council recommended amendments to include vaping as part of the 'Smokefree Generation' and to further restrict the sale of vaping products - Council recommended the development of legislation to prohibit smoking outside cafes, restaurants, and bars to support those trying to stop smoking, and to reduce the visibility of smoking to future generations
Proposals for the Smoked Tobacco Regulatory Regime (designed to implement changes to the Smokefree Environments and Regulated Products	<p>On 15 March 2023 Council made the following submission points⁶:</p> <ul style="list-style-type: none"> - Council supports: <ul style="list-style-type: none"> - efforts to reduce smoking - achieving a smokefree Aotearoa - Council has a role in promoting community wellbeing - Community engagement would be required to respond to the proposed regulations

⁵ <https://www.qldc.govt.nz/media/u5rfonby/qldc-letter-on-the-smokefree-environments-bill.pdf>

⁶ <https://www.qldc.govt.nz/media/3k5bojje/20230315-smoked-tobacco-reulatory-regime-proposals-submission.pdf>

(Smokefree Tobacco) Amendment Act)	<ul style="list-style-type: none"> - Council recommended actions to mitigate impacts of the proposed changes on businesses - Council recommended that the Ministry of Health outline the way local government would be involved in the licensing and enforcement of smoked tobacco and vape retailers
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13. These submissions set the scene for Council’s position on the way smoking and vaping products should be managed from a health, regulatory, and economic perspective. They express a high level of support for actions which manage the impacts of smoke and vape products, identifies the role Council considers it has in promoting community wellbeing, and seeks greater direction on its regulatory functions.
14. Council’s 2021 – 2031 Long Term Plan (LTP) emphasises the significance of community wellbeing in how Council will undertake its activities. It identifies Council’s commitment to promoting the four aspects of wellbeing (social, economic, cultural and environmental), and sets out how they will be considered in policy making, service delivery and decision-making. Reviewing the 2006 Smoke-Free Policy and reconsidering the scale, location, regulation and associated costs and benefits of smoke and vape-free areas would improve social wellbeing by promoting better health outcomes. The health of individuals, their families, whānau, hapu, iwi, and a range of communities is recognised in the ‘social wellbeing pillar’ of the LTP⁷. Environmental effects associated with the waste of smoking and vaping products could also be the subject of a revised Smoke-Free Policy.
15. Council’s obligation to promote the four wellbeings aligns well with the Vision Beyond 2050 principles and community outcomes. The Vision Beyond 2050 framework includes the following matters relevant to social wellbeing and improving health outcomes:
Thriving people | Whakapuāwai Hapori - Our environments and services promote and support health, activity and wellbeing for all.
Pride in sharing our places | Kia noho tahi tātou kātoa - Our district is a place where our quality of life is enhanced by growth through innovation and thoughtful management. Our lives are enhanced by measuring wealth in wellbeing as well as dollars.
16. Council’s Parks and Open Spaces Strategy 2021 was developed to address challenges associated with acquiring, maintaining or improving the quality, quantity and accessibility of open space within the District. This Strategy directly addresses the issue of smoking and vaping within parks and open spaces, identifying ‘Input into future reviews of QLDC Smokefree and Vapefree Policies’ as a future action to work towards achieving the following objective - ‘open spaces are well designed, accessible, connected and valued’⁸.
17. Other Council policies relating to public realm management also allude to a smoke-free and vape-free policy, for example, the Table and Chairs Policy 2020⁹ which is intended to manage any public

⁷ Page 46, 2021 – 2031 LTP

⁸ Page 44, Parks and Open Spaces Strategy 2021

⁹ <https://www.qldc.govt.nz/media/y0nndlfu/qldc-table-and-chair-policy-2020.pdf>

place under the jurisdiction of Council used in association with restaurants and cafés. The Policy sets out that *'table & chair areas may be smokefree and vapefree if required under a specific Council policy, and this can be reinforced in Licence conditions'*¹⁰.

What is currently known about smoking and vaping in the District

18. Statistics New Zealand collect data concerning people¹¹ who smoke tobacco cigarettes. The 2018 census recorded 10.5% of people in the District as being regular smokers with more men (5.5% of the population) than women (4% of the population) identified¹². However, data collected since 2006 shows that more people are choosing not to smoke (**Table 2**)¹³.

Table 2 – Cigarette smoking behaviour for people in the District, 2006 – 2018 Censuses (Statistics New Zealand)

Category	2006 (%)	2013 (%)	2018 (%)
Regular smoker	19.6	11.9	10.5
Ex-smoker	26.3	26.2	22.6
Never smoked regularly	54.1	61.9	66.9

19. The number of people who smoke in the District is less than the number of people who smoke nationally as illustrated in **Table 3**¹⁴.

Table 3 – Cigarette smoking behaviour for people in the District and New Zealand, 2018 Census (Statistics New Zealand)

Category	Queenstown-Lakes District (%)	New Zealand (%)
Regular smoker	10.5	13.2
Ex-smoker	22.6	22
Never smoked regularly	66.9	64.8

¹⁰ Section 2.2, Table and Chair Policy 2020

¹¹ Usually resident population aged 15 years and over

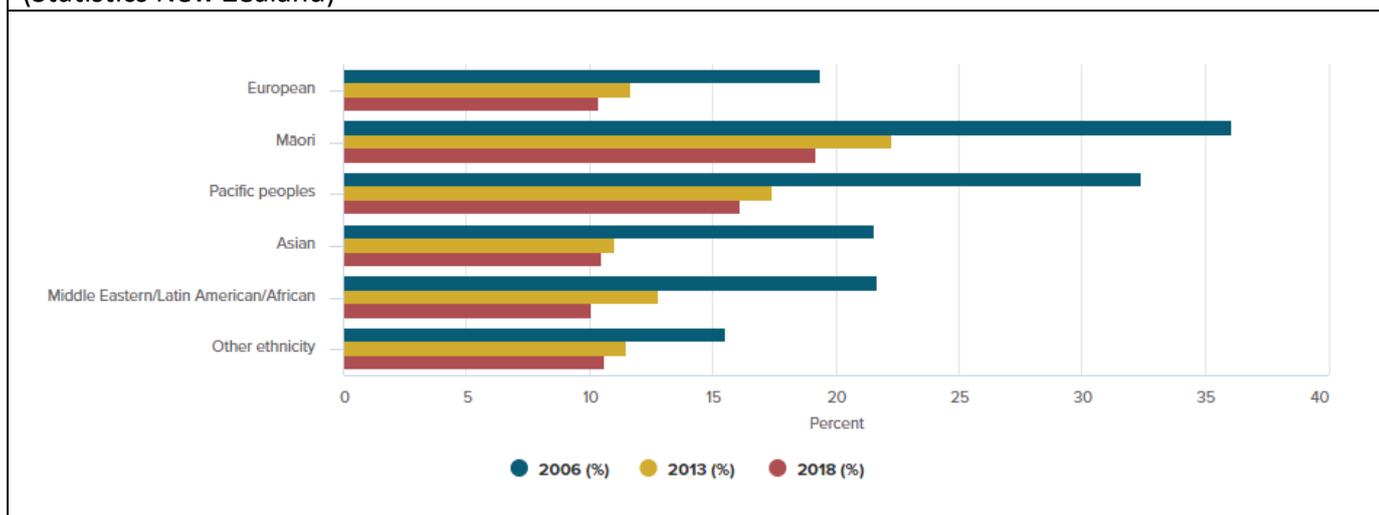
¹² <https://www.stats.govt.nz/tools/2018-census-place-summaries/queenstown-lakes-district#cigarette-smoking-behaviour>

¹³ Statistics New Zealand

¹⁴ Statistics New Zealand

20. **Figure 1** below illustrates the proportion of regular smokers in the District by ethnic group. It illustrates that Māori and Pacific peoples are overrepresented as regular smokers, but that all ethnic groups are experiencing a decrease in the proportion of regular smokers.

Figure 1 – Cigarette smoking behaviour for people in the District and New Zealand, 2018 Census (Statistics New Zealand)



21. The New Zealand Health Survey¹⁵ conducted by The Ministry for Health first included questions on vaping in 2015/16, and information on vaping has been collected annually since the 2017/18 Health Survey. Consistent with the Statistics New Zealand data, the Health Survey found that smoking rates are declining. However, it also illustrates that vaping rates are increasing, and that since 2019/20 increases in vaping have exceeded observed reductions in smoking. The prevalence of vaping is increasing across all age groups, with the largest absolute increase being experienced in those aged 18–24 (**Figure 2**)¹⁶. The Health Survey report found that some people who have never smoked are now taking up vaping¹⁷ and that Māori and Pacific peoples are generally overrepresented in the proportion of people who vape¹⁸.

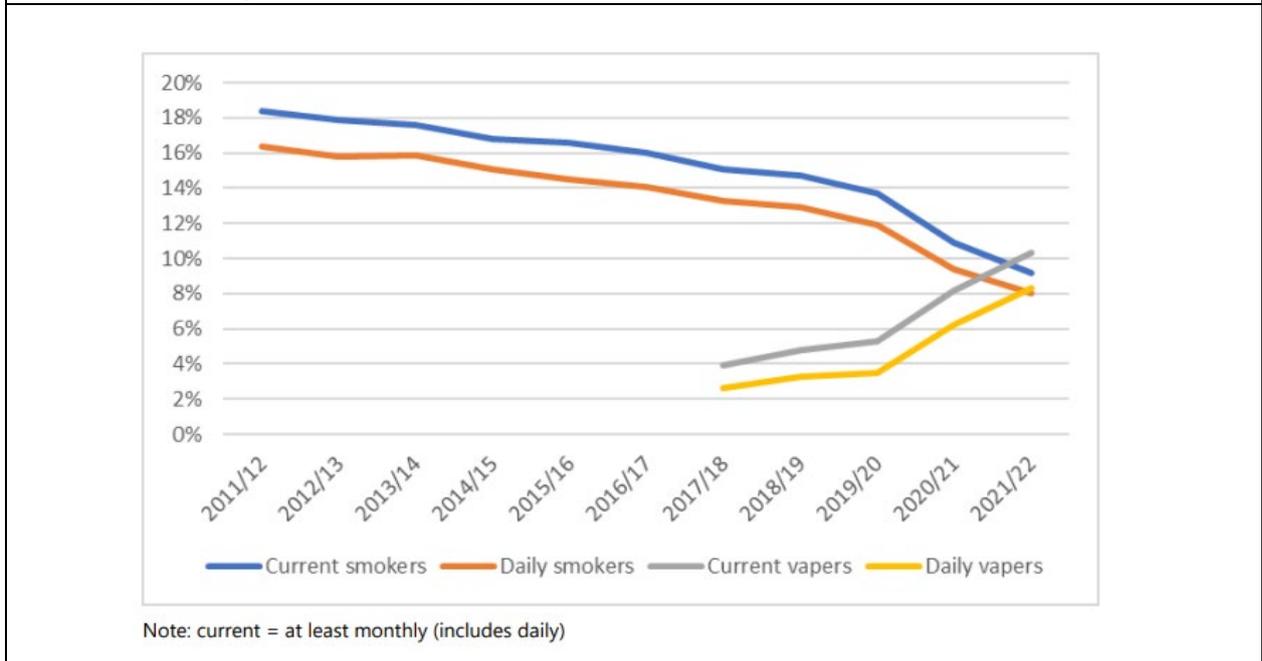
¹⁵ Smoking Status of Daily Vapers New Zealand Health Survey: 2017/18 to 2021/22
https://www.health.govt.nz/system/files/documents/publications/smoking_status_of_daily_vapers.pdf

¹⁶ Page 4, Smoking Status of Daily Vapers New Zealand Health Survey: 2017/18 to 2021/22

¹⁷ Page 2, Smoking Status of Daily Vapers New Zealand Health Survey: 2017/18 to 2021/22

¹⁸ Page 10 and Table 3, Smoking Status of Daily Vapers New Zealand Health Survey: 2017/18 to 2021/22

Figure 2 – Proportion of people smoking and vaping in people aged 15 and older, 2011/12 to 2021/22 (Ministry of Health, 2023).



22. There is no known data on the proportion of people who vape specific to the District. However, the Health Advisory and Regulatory Platform maintain a register of ‘specialist vape retailers’ (SVRs). Specific controls apply to SVRs to limit their retail methods, in particular, they are restricted to people 18 years and over, 70% of their business is vaping, and they are able to sell all vape ‘flavours’. SVRs do not include General Vape Retailers (GVRs) that may also sell a restricted range of vape flavours (up to three flavours). There are four registered SVRs in the District¹⁹, among 44 tobacco outlets (the majority of which are also likely to be GVRs²⁰).
23. Given the relatively recent emergence of vaping, research into its prevalence and impacts is growing. Newly published research in the Drug and Alcohol Review Journal by the University of Otago²¹ found that ‘differences were observed in the likelihood of transitioning from smoking to vaping or from vaping to smoking, indicating that either pathway was equally as likely’, and therefore ‘vaping appeared to be just as likely to have a gateway effect to smoking as it was to have a cessation effect. This highlights the need for greater consideration regarding vaping-related policies and restrictions’. As such, there is more analysis to be done to determine the scale and extent of vaping activities and its health impacts.

24. The Ministry of Health have set out the following position statement on vaping^{22 23}:

¹⁹ <https://vaping.harp.health.nz/search/1DC97E34-E3F1-40E3-ADFE-30092B36F21C>

²⁰ Anecdotally according to Te Whatu Ora (Southern) enforcement officers

²¹ Mason et al, Effects of vaping on uptake and cessation of smoking: Longitudinal analysis in Aotearoa New Zealand adults, Drug and Alcohol Review, 27 June 2023

²² <https://vapingfacts.health.nz/our-position-on-vaping.html>

²³ This position has been endorsed by a range of New Zealand health organisations, including Te Whatu Ora, Quitline, Hāpai te Hauora (Maori Public Health), Action for Smokefree 2025 (ASH), National Training Service (NTS), New Zealand

- a) *Vaping is not for children or young people.*
- b) *Vaping is not for non-smokers.*
- c) *The best thing you can do for your health is be smokefree and vape free.*
- d) *Vaping is not harmless but it is much less harmful than smoking.*
- e) *Vaping can help some people quit smoking.*

25. This position statement illustrates the careful balance implicit in the new regulatory framework intended to manage smoking and vaping. Positions a – c above emphasise the ‘avoid’ component, for those who are ‘young’ and do not currently smoke, while positions d and e emphasise the ‘enabling’ component, pointing out vaping as an important tool that can be used to reduce the considerable harm known to be associated with smoking tobacco. This balance exists in the context of only just emerging research on the health impacts of vaping.

26. Overall, central government’s approach to managing vaping is to ‘*strike a balance between preventing the uptake of vaping among children and young people and supporting people who smoke to switch to a less harmful product (and thereby contributing to our Smokefree 2025 goal)*’²⁴.

27. **Attachment C** provides an overview of the national regime created to manage smoking and vaping across New Zealand. The Smokefree Environments and Regulated Products Act 1990 (**the SERP Act**) is the primary piece of legislation controlling smoking and vaping products. Recent amendments have been made to better control the way vaping products are retailed and used, and to implement the Smokefree Aotearoa 2025 goal – the Government’s goal to ensure fewer than 5% of New Zealanders will be smokers by 2025.

Options for a smoke-free and/or vape-free policy for the District

28. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

29. At this time, there are three options available for Council to consider how to proceed with a review process for the existing Smoke-Free Policy. **Table 4** below sets out these options and discusses them at a high level.

Table 4 – Options for how to review the existing Smoke-Free Policy	
Option	Discussion
Option 1 – Status quo i.e. retain the 2006 Smoke-Free policy	<p>This option would involve retaining the 2006 Smoke-Free Policy with little or no material amendments, effectively rolling it over.</p> <p>Advantages:</p> <ul style="list-style-type: none"> - having little or no cost for Council in terms of officer time or monetary expenditure. - a roll over approach would take little time to implement.

²⁴ Medical Association (NZMA), All District Health Boards, Pharmacy Guild of New Zealand, Heart Foundation, New Zealand College of Midwives, Parents Centre.

	<ul style="list-style-type: none"> - maintaining the existing policy would allow Council to continue to play a role in identifying smoke-free locations (albeit limited to playgrounds, sports fields and swimming pools). - the community (or those who engage with the existing policy) are aware of its scope, and this option would not introduce further regulation or complexity. - smoking and vaping products and use are primarily regulated by central government agencies. This approach would acknowledge this and avoid potential duplication of responsibilities. - The declining proportion of people smoking tobacco possibly lends itself to a status quo policy approach. <p>Disadvantages</p> <ul style="list-style-type: none"> - the age of the policy means that it may be out of step with community expectations, central government regulatory regimes, and best practice control of smoking and vaping products. - the scope of this option would not enable the inclusion of vaping within the 2006 policy. - social, economic, environmental and cultural characteristics of the community have changed considerably since 2006 which the existing policy would not have anticipated. - the 2006 policy was developed at a time when vaping products were not available and when the composition of people smoking and vaping was different. - the existing policy has a lack of detail that is likely to compromise its efficient and effective implementation, monitoring and enforcement. - any community engagement may give rise to strong support for a more comprehensive review. - the approach would prevent the policy’s application to new geographic areas that are not already covered by the existing policy. - proceeding with this approach may not be supported by all stakeholders
<p>Option 2 – Confined review of the 2006 Smoke-Free Policy</p>	<p>This option would involve defining a confined scope for the review of the 2006 Smoke-Free Policy. This scope would be limited to aligning the policy with contemporary central government regulatory regimes, considering the inclusion of vaping within the policy provisions and focus on education rather than enforcement. Further work would be undertaken to support this confined review and include engagement with key stakeholders. This initial work would look to achieve the following goals:</p> <ul style="list-style-type: none"> a) understand gaps between the 2006 Smoke-Free Policy and the national regulatory regime. b) Request feedback from key health sector stakeholders, Council staff, and the Cancer Society to define the scope of the review. c) consider how or if to undertake public engagement.

	<p>d) consider a set of revised provisions and their costs and benefits.</p> <p>Advantages</p> <ul style="list-style-type: none"> - limiting costs for Council in terms of staff time and monetary resources given the confined scope and targeted engagement. - the scope of this review would enable the consideration of vaping products within the policy which are not currently addressed. - a revised policy would align more closely with recently reviewed central government regulatory regimes. - a confined scope of work would enable any amendments to be expedited sooner than a more comprehensive and wider ranging review. - smoking and vaping products and use are primarily regulated by central government agencies. This approach would acknowledge this and avoid potential duplication of responsibilities. <p>Disadvantages</p> <ul style="list-style-type: none"> - a confined scope approach may prevent the policy’s application to new geographic areas that are not already covered by the existing policy. - proceeding with this approach may not be supported by all stakeholders. - staff time and resources would be required to undertake the review (albeit less than would be associated with a more comprehensive review). - the inclusion of vaping in any revised policy would need to be carefully considered given the messaging and general uncertainty around its harms and benefits.
<p>Option 3 – Comprehensively review the 2006 Smoke-Free Policy</p>	<p>This option would involve a wholesale review of the 2006 Smoke-Free Policy with an unrestricted scope. The option would require setting up a detailed work programme and undertaking extensive engagement with key stakeholders. This initial work would involve:</p> <ul style="list-style-type: none"> a) comprehensively defining the context and impacts of smoking and vaping within the District. b) engaging with a wide range of stakeholders and the community to understand their values and aspirations. c) working across Council to understand current actions, capabilities and future priorities. d) working with the Destination Management Organisation to understand implications for the tourism system and visitors. e) undertake work to understand the social, economic, environmental and cultural costs, benefits, efficiency and effectiveness of detailed amendments to the 2006 Smoke-Free Policy.

	<p>Advantages</p> <ul style="list-style-type: none"> - enable Council to gain a detailed understand the scale and impacts of smoking and vaping, respond to community concerns, and align with current central government management regimes. - enable the consideration of vaping products within the policy which are not currently addressed. - enable the consideration of implications and interventions to address visitor activity. - a more detailed policy with specific objectives and methods could be developed to ensure a more effective implementation and enforcement approach. - any revised policy could link in more effectively with the plans, policies and strategies recently prepared or being prepared by other parts of Council to ensure organisational consistency. - consideration of the policy’s application to new geographic areas that are not already covered by the existing policy. <p>Disadvantages</p> <ul style="list-style-type: none"> - a comprehensive review has not been programmed into existing Council workstreams and would require the re-prioritisation of existing resources. This would be challenging given Council’s capacity and capability constraints and this is not a known strategic issue for the Council or the community. - require a high degree of input from key stakeholders such as health sector actors and Iwi. The ability of these stakeholders to prioritise this work is uncertain. - a high level of input from Council officers and may require commissioning external expert advice. - a high level of wider public engagement would be required. - a robust review process that provides sufficient evidence collection and engagement is likely to take a considerable amount of time. - an expanded policy with greater reach could be highly contested. - an expanded or more detailed policy would create significant obligations for Council. - the inclusion of vaping in any revised policy would need to be carefully considered given the messaging and general uncertainty around its harms and benefits.
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Recommended option

30. Officers recommend that Option 2 (confined review of the existing Smoke-Free Policy) is selected. This report sets out the current information on smoking and vaping, and the various advantages and disadvantages of the three options available to Councillors. To summarise, the reasons for recommending this option are set out below:

- a) The 2006 Smoke-Free Policy is now 16 years old and does not reflect the known information, current regulatory regime or Council's position on smoking and vaping.
- b) A confined review strikes the right balance between updating the 2006 policy to reflect current conditions and managing Council's finite capacity, capability and monetary resources.
- c) A confined review would carefully consider the roles and responsibilities of central government agencies and other key actors which have specialist knowledge, large resources and established infrastructure dedicated to managing the effects of smoking and vaping, therefore avoiding unnecessary duplication.
- d) The District's community has changed considerably over the last 16 years and it is reasonable that the 2006 Smoke-Free Policy be reviewed to ensure it reflects the vision and priorities of the existing community and key stakeholders.
- e) Council has already initiated a review as part of its 2019 package of work on the 2006 Smoke-Free Policy. A confined review can build on the work that has already been undertaken.
- f) A status quo (Option 1) approach would not reflect the national momentum associated with regulating smoking and vaping, and it is possible that any engagement would reveal wider appetite for a more material review.
- g) A comprehensive (Option 3) approach would require significant resources and engagement that would not reflect Council priorities or the roles and responsibilities of central government agencies in this space.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

31. This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy. The following matters have been considered in making this determination:
- a) Importance to the District – Council's position on the review of the 2006 Smoke-Free Policy would have costs and/or benefits for the social, cultural, economic and environmental wellbeing of the community. The outcomes of any policy may assist Council in delivering on its Vision 2050 strategic policy statements. However, this report does not, at this time, request any specific decisions on a new or revised Smoke-Free Policy. Future decisions may have more direct engagement with this topic.
 - b) Community interest – This consideration requires an assessment of the degree to which existing individuals, organisations, groups and sectors in the community are affected by the Council's decisions, with a mind to the wellbeing and needs of future generations. A reviewed Smoke-Free Policy may have a high level of interest from a range of stakeholders, however, no specific decisions are requested at this time that would change the 2006 Smoke-Free Policy. Future decisions may have more direct engagement with this topic.
 - c) Consistency with existing policy and strategy – The matter of consistency between Council's previous position statements, policies and strategies has been discussed throughout this report. Consideration of reviewing the 2006 Smoke-Free Policy would provide an opportunity to generally improve consistency within and between Council documents.

- d) The impact on Council’s capability and capacity – The matter of capacity and capability has been discussed at a high level within **Table 4** and section 34 regarding the options available to review the 2006 Smoke-Free Policy. Detailed advice on how the desired option would impact the Financial Strategy, Infrastructure Strategy, Ten Year Plan and Annual Plan objectives will be considered as part of the next stage of the review process depending on Councillors desired direction.
- e) Climate change – The matter considered in this report is not inconsistent with Council’s Climate and Biodiversity Plan 2022 - 2025.
- f) Mana whenua – The matter considered in this report does not relate to land or a body of water, the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taoka. However, as canvassed above, Māori have a considerable stake in actions to address smoking and vaping activity. As such, it will be important as part of the next stages of this review to work with our Iwi partners to ensure their aspirations are traversed effectively within any policy.

32. The matter considered in this report does not trigger the need to undertake a special consultative procedure or involve the sale or transfer or sale of shareholding of any strategic assets.

33. No specific external engagement or consultation has been undertaken to inform this report. Officers will undertake engagement with a range of key stakeholders and as part of any work programme development and when undertaking any formal amendments.

Māori Consultation | Iwi Rūnaka

34. No specific engagement has been undertaken with Iwi at this time. As noted above, Iwi will be engaged at an early stage when undertaking any review process and as part of any work programme development.

Other engagement

35. Officers have had early conversations with representatives from the Cancer Society and Te Whatu Ora to understand how we can work together on any review process. Both organisations have signalled strong support for a review of the 2006 Smoke-Free Policy and expressed their availability to assist Council in undertaking its review. Officers will continue to engage closely with the Cancer Society and Te Whatu Ora, among others, if Councillors support a review process.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

36. This matter relates to the Strategic/Political/Reputation. It is associated with RISK00038 (lack of Alignment - Strategies and policies) and RISK00061 (Ineffective response to legislative changes and reforms) within the QLDC Risk Register. This risk has been assessed as having a low inherent risk rating.

37. The approval of the recommended option will support the Council by allowing us to implement additional controls for this risk. This shall be achieved by considering the latest needs of key stakeholders and the community in regard to smoking and vaping and align with contemporary central government control regimes.

Financial Implications | Kā Riteka ā-Pūtea

38. The discussion on options set out in **Table 4** of this report has touched on the possible extent of costs associated with the different avenues available to Council in reviewing (or not) the 2006 Smoke-Free Policy.

39. Further detailed consideration of any financial implications (i.e. further budget, cost implications or resource requirements) associated with the selected option will be undertaken as part of further work related to the review of the 2006 Smoke-Free Policy.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

40. The following Council policies, strategies and bylaws were considered:

- a) Vision Beyond 2050
- b) Long Term Plan 2021 – 2031
- c) Parks and Open Spaces Strategy 2021
- d) Table and Chairs Policy 2020
- e) Climate and Biodiversity Plan 2022 - 2025
- f) Smoke-Free Policy in Playgrounds, Sports Fields and Swimming Pools 2006
- g) Enforcement Strategy and Prosecution Policy 2021

41. The recommended option is consistent with the overall principles set out in the abovementioned plans, policies and strategies.

42. A comprehensive review of the 2006 Smoke-Free Policy is not a matter that is specifically included in the Ten Year Plan/Annual Plan, however, regular updating of Council's existing policies and strategies is anticipated.

Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

43. The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill set the regime that controls the sale, supply and use of tobacco and vape products. Any review of the 2006 Smoke-Free Policy would not address the sale or supply of these products and would be limited to their use in defined and limited circumstances.

44. Specific legal advice on this matter has not been sought at this time. Legal review would form part of any further work program associated with the selected option.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

45. The recommended option:

- a) Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Considering the high-level approach for reviewing the existing Smoke-Free Policy would deliver on this purpose as it would assess the way community wellbeing could be more effectively managed by regulating the use of smoke and vape products in specific locations. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.
- b) Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- c) Is consistent with the Council's plans and policies; and
- d) Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

Attachments | Kā Tāpirihaka

A	Cancer Society of New Zealand (Otago & Southland Division) submission on the Draft Activities in Public Places Bylaw (2023)
B	Smoke-Free Policy in Playgrounds, Sports Fields and Swimming Pools 2006
C	How smoking and vaping is regulated in New Zealand