

25th October 2018

Memorandum

To: Regulatory Committee members

Subject: Outdoor dining and smoke free enforcement.

From: Craig Hobbs, General Manager Licensing and Compliance

Summary

- This memo serves to provide an update on the management of the smokefree policy and enforcement as requested by the regulatory committee, following a query from Member Taipari.
- Member Taipari has heard that café/restaurant owners have been told their 'licence' would not be renewed if they failed to meet a clause in their outdoor eating (on public land) approval regarding no smoking. It wasn't clear whether the 'licence' he was referring to is the actual outdoor eating licence or another licence required for food premises e.g. alcohol or food safety
- Auckland Council street trading staff encourage voluntary compliance via education with regards to enforcing the Smokefree policy.

Background

Auckland Council's Smokefree Policy 2017 – 2025 became live in November 2017.

www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-policies/Documents/implementation-plan-smokefree-policy2017-2025.pdf

Achieving the goal to be smokefree by 2025 is a responsibility that is shared between central government, the health services sector, tobacco control agencies, communities and local government. The council's role in contribution to the overall sector goal is to help de-normalise smoking and leverage its ability to engage and inform the public of Auckland.

This Implementation Plan focuses on identifying activities the council will undertake to make the following public spaces smokefree:

- plazas, civic squares, shared spaces, urban centres
- the areas around sports clubs on council land
- al fresco dining areas
- common areas of council housing
- beaches.

Summary of current approach

Auckland Council activated the implementation plan November 2017

Media notification was the only medium used to notify licence holders at the time the implementation plan came into force.

Most outdoor dining licences come up for renewal in July each year.

Notification of the policy is currently advised by way of letter and a condition on the licence.

“No person is permitted to smoke, hold or otherwise have control over an ignited tobacco product in the licensed area”.

The condition only relates to outdoor dining licences.

A brochure is enclosed with the renewal letter.

Enforcement of the policy

- It is our practice to educate the licence holder in regards to the smoke free policy and encourage voluntary compliance.
- It would be a very last resort in exceptional circumstances to revoke the licence for non-compliance.

Attachments

Copy of information brochure

Copy of a letter and licence