



ACTION PLAN

1 November 2007 Smoking Ban in Pubs and Club Action Plan

Approved by: *City Strategy and Policy Committee 13 August 2007.*

Next Review Date: July 2008

Responsible Officer:

Position: *Manager Development Policy (David Bailey)*

Phone: 8203 7547

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INTRODUCTION

1. From 1 November 2007, smoking in enclosed spaces in the City's pubs and clubs is banned under the State Tobacco Products Regulation Act 1997. In summary, "enclosed space" is a space in which more than 70% of its surrounding area is enclosed. The ban is part of a suite of SA Government measures to minimise the health and social costs of smoking. The State Government Department of Health is responsible for enforcement of this legislation which already applies to restaurants and cafes, and mirrors similar bans interstate and overseas.
2. The ban on smoking inside the City's pubs and clubs, as well as eight ball establishments and the Casino, has a range of implications which impact across the organisation.

PURPOSE

3. To guide Council in managing the implications of the 1 November 2007 ban on smoking in pubs and clubs so as to assist City businesses whilst taking into account the needs of all City users.

CONTEXT

4. This Action Plan has been prepared on the following principles:
 - "In principle" support for the ban
 - Recognising that whilst smokers need to be accommodated, this should not be to the detriment of the many other current and desired users of the City
 - Maximising the responsibility of the licensees of the City's pubs and clubs to manage changes associated with the ban, with Council reserving the right to intervene via the Licensing Authority and as "landlord", with changes to Liquor Licences and /or Outdoor Dining Permits as appropriate in response to poor management practice.

ACTIONS FOR COUNCIL

	Implications of Ban	Comment	Response	Responsibility
1	Visitor Growth – possible reduction in visits to City pubs and clubs	The State Government and the Australian Hotels Association have a joint business development support for licensees. Following the mid 2006 ban in Queensland, a survey revealed 21% of those surveyed visited pubs and clubs more often compared to 10% who had reduced their visits. This result mirrors overseas experience	Reinforce the availability of the joint State Government/AHA business development support program in a communication program. Advise businesses of the availability of the joint State Government/AHA business development support program.	Development Policy Enterprise Adelaide

	Implications of Ban	Comment	Response	Responsibility
2	Outdoor Dining Policy and Operating Guidelines – licencees may seek new or extended outdoor dining areas for patrons who smoke	Council's Outdoor Dining Policy and Operating Guidelines do not address smoking, therefore permit holders may allow smoking to occur in the outdoor dining areas (but not to the extent of signposting that smoking can occur, as this is contrary to State legislation). The Outdoor Dining Policy and Operating Guidelines should be updated to require the provision of wind proof ashtrays.	Amend Outdoor Dining Policy and Operating Guidelines to require wind proof ash trays or other means to capture ash and butt litter if a permit holder allows smoking to occur.	Development Policy
		A number of licensees have requested glass screens be allowed associated with outdoor dining, particularly in lieu of PVC screens (which if rolled down, enclose an area, which then cannot be used for smoking). The current Outdoor Dining Operating Guidelines allow, subject to design and siting criteria, glass screens on North Tce, Gouger, King William South, Hutt, O'Connell and Melbourne Streets. A review of the Outdoor Dining Policy and Operating Guidelines could consider the question of extending the locations where glass screens are allowed.	Review the Outdoor Dining Policy and Operating Guidelines in relation to extending the locations where glass screens are allowed.	Development Policy

	Implications of Ban	Comment	Response	Responsibility
3	Cleansing – increased litter, especially cigarette butts	Liquor licenses and outdoor dining permits obligate licensees to keep clean footpath areas outside their premises.	Implement a communication program on licensee cleansing responsibilities associated with Liquor Licences and Outdoor Dining Permits.	Development Policy
		Council's adopted Outdoor Dining Operating Guidelines contains a fixed furniture bond to ensure footpath cleaning is carried out. Whilst the review of Key Aspects of Council's Outdoor Dining Policy proposed to remove the bond, out of precaution, the bond should be retained.	Maintain Outdoor Dining Fixed Furniture Bond, used for cleaning.	Development Policy
		The draft Liquor Licensing Policy released for consultation proposes a negotiable condition seeking butt out bins at a rate of 1 per premises.	Amend the draft Liquor Licensing Policy seeking butt out bins as a negotiable condition to require such bins to be emptied when full and to be maintained to an acceptable standard by licensees.	Development Policy
		Monitoring cleanliness can occur collaboratively with Department of Health, Office of Liquor and Gambling inspectors, and Council staff, identifying poor cleansing by licensees. Beyond usual whole of street cleansing, Council will not cleanse outdoor dining areas or footpath areas where such areas are the responsibility of licensees.	Raise poor cleansing issues with the responsible licensee initially and, where necessary, escalate the matter through the Licensing Authority.	Regulatory Services
		Council has a program of street cleansing, with more regular cleansing of high use areas.	Continue cleansing of city streets and emptying of Council butt out bins.	Eng & Environmental Services
		Campaigns on the environmental impact of butts have reduced general butt litter by about 10% each year.	Continue Butt Litter Reduction campaigns.	Regulatory Services
		The current legislation provides a \$315 fine for butt litter, regarding which Council has sought to be amended to incorporate graduated fines.	Continue to promote graduated littering fines with State Government.	Regulatory Services

	Implications of Ban	Comment	Response	Responsibility
4	Crime Prevention	Potentially, outdoor dining areas used by more people and for longer hours increases risks of inappropriate patron behaviour. Responsibly managed outdoor dining and public areas create safer environments, attract more customers and avoid increased Council monitoring /enforcement. Earlier deployment of Crowd controllers would assist in maintaining orderly behaviour.	Implement a communication program on licensee management responsibilities for outdoor dining and nearby footpath areas.	Development Policy
		SAPOL will monitor the City's dry area.	Update draft Liquor Licensing Policy to reflect desirability of crowd controllers being in place earlier each night, to also explicitly control outdoor dining areas, and to seek as a "minimum", 1 crowd controller per 100 patrons. Policy and Strategy	Development Policy
5	Noise Management	Outdoor dining areas used later at night may increase conflict with residents.	Monitor potential for increased noise from outdoor dining areas conflicting with housing areas.	Regulatory Services
		The draft Liquor Licensing Policy provides that Council, as landlord of the public realm, may reduce outdoor dining hours where undue conflict (which can be noise or smoke) with housing areas exists. This policy, reflecting current practice, enables negotiated solutions. The current Outdoor Dining Policy and Operating Guidelines provide no similar guidance in relation to outdoor dining permits associated with unlicensed premises; it is suggested that similar guidance be provided.	As part of communication program, remind licensees that increased noise risk from outdoor dining late at night needs to be managed to avoid Council, as landlord, intervening.	Development Policy
			Update Outdoor Dining Policy to: <ul style="list-style-type: none"> provide that Council, as landlord of the public realm, may reduce outdoor dining hours where undue conflict (which can be noise or smoke) with housing exists. emphasise that "enclosure" (eg via plastic blinds) may incur a smoking ban 	Development Policy
6	Streetscape Design	Requests for kerb protuberances to accommodate outdoor dining will be agreed where consistent with an integrated streetscape design (as per the Outdoor Dining Policy) and where the applicant pays the costs, or are installed as part of a traffic management plan.	Continue with current Outdoor Dining Policy and Operating Guidelines approach, providing opportunities for outdoor dining on kerb protuberances in the context of integrated streetscape plans or as part of traffic management plans.	Eng & Environmental Services

	Implications of Ban	Comment	Response	Responsibility
7	Banning Smoking	Extending the smoking ban further is a State Government matter, with Council legally not being able to ban smoking generally.	Continue to liaise with State Government regarding banning smoking in public places generally.	Regulatory Services
			Seek consistent approach to banning smoking with the Local Government Association eg. playgrounds and bus shelters	Regulatory Services
8	Assessing development applications	<p>The current Adelaide (City) Development Plan contains provisions to guide proposed development modifying licensed premises arising from the smoking ban. A number of licensed premises have gained planning consent for modifications to beer gardens and a number of applications are being assessed.</p> <p>Development applications to unenclose parts of licensed premises near to housing may lead to noise conflict with nearby housing. These will need to be assessed on a case by case basis. If the risk of noise conflict, options include orienting the enclosure away from housing, a staged reduction of outdoor capacity over the night, and reduced hours.</p> <p>This aspect can be further considered in a Late Night Entertainment Development Plan Amendment.</p>	Consider the smoking ban further, as part of the range of considerations in a Late Night Entertainment Development Plan Amendment, in Council's Business Plan for 2007/2008.	Development Policy
9	Communication	Consistent messages of expectations sent to licensees encourage best practice. The AHA and the Office of Liquor and Gambling are prepared to make available their regular communication means, and other existing mediums can be utilised.	Work collaboratively with the AHA, OLGC and through the Precinct Groups to communicate Council's expectations associated with the enclosed smoking ban.	Development Policy

KEY PERFORMANCE INDICATORS, MONITORING AND REVIEW

Draft Liquor Licensing Policy and Outdoor Dining Policy updated.
Three methods of communication to all City licensees of pubs and clubs utilised.

Monitoring of the Action Plan will occur collaboratively by Policy and Strategy, City Services and City Assets.

Review Action Plan by July 2008

IMPLEMENTATION

- **Actions and Responsibilities**

As per Council roles above

- **Timeline**

Draft Liquor Licensing Policy and Outdoor Dining Policy – updated based on Council resolution

Communication Program - commence August 2007 and monitor based on marketing advice.