

**Report of:** Executive Member for Environment and Transport and Executive Member for Health and Wellbeing

| Meeting of: | Date    | Ward(s) |
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| Executive   | 12.3.15 | All     |

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## **SUBJECT: Smoke-free Designation for all Playgrounds**

### **1. Synopsis**

- 1.1 The Council has trialled smoke-free children’s playgrounds at three sites. A survey has been undertaken with site users to seek their views on the initiative. The overwhelming response was supportive of the initiative.
- 1.2 There are fifty-five parks in Islington which have children’s playgrounds. Some of these are large scale facilities (e.g. Highbury Fields and Barnard Park) and some smaller ones (e.g. Dalmeny Park and Girdlestone Park). A full list of parks with playgrounds is attached at Appendix A. There are also ninety-two Housing estates with playgrounds and play equipment.
- 1.3 It is proposed to extend the smoke-free designation to all children’s playgrounds in Islington parks and also to all Housing estate playgrounds with effect from Spring 2015. This will support the Public Health Service in their efforts to encourage local residents to quit smoking and support the Council’s agenda of giving children the best start in life. We will continue to work in partnership with colleagues from the health service and in particular with the provision of joint events and activities aimed at highlighting the initiative

### **2. Recommendations**

- 2.1 To agree to extend the smoke-free designation to all children’s play areas in the Council’s parks in order to protect children from secondary smoke and to promote healthy lifestyle.
- 2.2 To agree to extend the smoke-free designation to include all Housing estate playgrounds.

### **3. Background**

3.1 The Council is committed to a fairer Islington and in particular to:

- Providing the best start in life for children
- Supporting healthy, active and independent lives

The Greenspace Parks Improvement Plan includes two key objectives in its aim to help achieve the above:

- To make parks more child friendly
- To identify, deliver and promote opportunities to improve health and well-being through parks and open spaces

3.2 To help people live healthier lives and make healthier choices, the Council aimed to support 2,229 people in achieving a 4-week smoking quit in 2012-13. There is also a key link between the proposed smoke-free designation in Parks and Housing Estate playgrounds and to the current campaign by the Public Health Team and their work around the Joint Strategic Health Needs Assessment, and in particular the quit smoking campaign.

3.3 The Council has run a trial since 2013 at three key sites, namely Whittington Park, Paradise Park and Fortune Street Park though initially there was only a low-key soft launch. It was agreed that there would be a more formal launch of the initiative at the same sites in September 2014 and an event was arranged at Fortune Street Park, attended by the Executive Member for Environment and Transport. This event was publicised locally and via the web and attended by up to 250 people. As part of the event a formal survey was undertaken with site users to seek their views on the initiative. The overwhelming response was to support the initiative. The full survey can be found at Appendix B.

3.4 There has been liaison with and support from with the Smoke Free Projects Officer at NHS Whittington and we have already worked together in promoting quitting smoking at a number of Greenspace events. The overall aim of the current initiative is to encourage people to refrain from smoking in children's playgrounds.

3.5 Housing have been consulted in respect of extending the smoke-free designation to all estate playgrounds and are fully supportive of the initiative.

3.6 The Council is not at present able to enforce No Smoking in children's playgrounds as no legislative framework is in place. Instead the smoke-free designation gives people the opportunity to support the initiative by voluntarily refraining from smoking. The initiative will be supported by appropriate signage on playground gates and railings and also stencils on the ground at entrances to the main playgrounds. We will also produce posters to up on parks noticeboards, highlight it on the web and promote via twitter messages. There will also be some joint promotional working between the Area Parks Team and NHS Islington at schools located in the vicinity of selected playgrounds, and also through targeted events at sites to promote quitting smoking.

3.7 Although there is no legislative framework in place at the moment, the recently introduced power under the Anti-Social Behaviour Crime and Police Act 2014 to make public space 'protection orders' may facilitate the enforcement of No Smoking in playgrounds if a voluntary approach proves ineffective.

3.8 An additional benefit of the initiative will be to reduce the amount of smoking related litter within

playgrounds. Cigarette butts are difficult to clear effectively and can persist in the environment for a long time.

## **4. Implications**

### **4.1 Financial implications:**

The cost of relevant signage at all of the sites and installation of stencils on the ground at the entrances to the larger playground play areas will be met by existing budgets within the Greenspace Service and Housing.

### **4.2 Legal Implications:**

The current smoke-free regulations prohibiting smoking in enclosed and public places and workplace made under the Health Act 2006 have been effective since 1 July 2007. However, the regulations do not apply to open spaces and are therefore not applicable to outdoor play areas. The Council may introduce a voluntary smoke-free designation for its children's playgrounds located in parks and on its housing estates (Section 1 Localism Act 2011 and section 21 Housing Act 1985).

The smoke-free designation will not be legally enforceable in children's playgrounds but it will empower the community to influence the behaviour of smokers within the play areas.

The power to make Public Space Protection Orders under the Anti-Social Behaviour, Crime and Policing Act 2014 may enable the Council to introduce an enforceable smoking ban if a voluntary ban is ineffective. The Council may make a PSPO if it is satisfied on reasonable grounds that the following two conditions are met:

- (1) either activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect and ;
- (2) the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature such as to make the activities unreasonable, and therefore justifies the restrictions imposed by the notice.

As with all local authority decision making, if steps are taken to regulate smoking there will be the need to ensure that actions taken are proportionate and reasonable and that only relevant considerations are taken into account.

### **4.3 Environmental Implications:**

A reduction in smoking in children's playgrounds would lead to an improvement in air quality, as well as having health benefits for people using the playgrounds, particularly children suffering from asthma or adults with respiratory problems.

A reduction in smoking in the playground areas could also reduce littering inside parks and cigarette butts are a significant element of all litter in the UK. A reduction in cigarette butt litter would mean less toxic leachate from the butts, reducing the potential for damage to soil and biodiversity. It would also reduce the risk of ingestion (and subsequent possible health effects) by infants using the playground, as well as by domestic and wild animals who may pick them up.

### **4.4 Residents Impact Assessment:**

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it

(section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding

A full resident impact assessment has been completed and is available on request. Potentially some parents or carers could be discouraged from taking their children to playgrounds and would have a negative impact on those young people. However a survey of users at one of the trial sites, 93% supported or strongly supported it and no one was against it. Conversely some parents or carers could be encouraged to take their children to playgrounds which would have a positive effect.

Adult smoking (especially parental smoking) is a significant factor for children starting to smoke. Therefore, the smoke-free designation may have an effect in reducing the number of children who take up smoking. When smoking is less visible to children, that helps de-normalise smoking.

Generally, smoking is proportionately higher amongst those from lower socio-economic groups. This change will benefit children from those groups by reducing the perception that smoking is normal and to create a smoke free environment for children's play.

## 5. Conclusion and reasons for recommendations


- 5.1 It is recommended that the smoke-free designation is extended to all parks and Housing playgrounds in the Spring of 2015 in order to support the Council's priorities of providing the best start in life for children and supporting healthy, active and independent lives, as well as make parks and playgrounds more child friendly.

**Appendices:** Appendix A - Full list of parks and estates with playgrounds  
Appendix B - Park user's survey

**Background papers:** none

Final report clearance:

**Signed by:**



24.2.15

Executive Member for Environment and Transport      Date



24.2.15

Executive Member for Health and Wellbeing      Date

Report Author: Andrew Bedford, Tel: x 3287, [andrew.bedford@islington.gov.uk](mailto:andrew.bedford@islington.gov.uk)