

2 October 2023

Te Whatu Ora
Health New Zealand

Capital, Coast, Hutt Valley and Wairarapa

Kāpiti Coast District Council
Private Bag 60-601,
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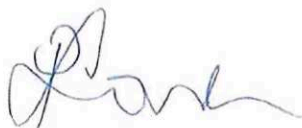
Tēnā koutou, Kāpiti Coast District Council,

**SUBMISSION ON: Kāpiti Coast District Council Gambling AND
Smokefree Policies**

Thank you for the opportunity to provide a National Public Health Service – Te Whatu Ora view of the Kāpiti Coast District Council **Class 4 Gambling and TAB Venue Gambling Policy** AND the **Smokefree Public Places Policy**. The review of the current gambling venue and smokefree policies provides an opportunity to reduce gambling and tobacco related harm within the communities that live in the Kāpiti District. We are appreciative of the option to submit a response via email.

National Public Health Service (NPHS) – Te Whatu Ora (Wellington Region) serves the public health of communities within the jurisdiction of Capital, Coast, Hutt Valley and Wairarapa Districts. The broad reason for this submission is to provide independent input to promote the reduction of adverse effects of the health of people and communities pursuant to the Health Act 1965 and the more recent Pae Ora (Healthy Futures) Act 2022.

Ngā mihi



Paula Snowden

Regional Director, Central Region
National Public Health Service

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Te Kāwanatanga o Aotearoa
New Zealand Government

Response

Draft Class 4 Gambling & TAB Venue Gambling Policy

Qu. 1. Do you agree that there should be no consents for additional Class 4 gambling venues in the Kāpiti District?

Yes

No

Somewhat

Qu. 2. Do you agree that there should be no consents for additional Class 4 gaming machines in the Kāpiti District?

Yes

No

Somewhat

Qu. 3 Do you agree that there should be no consents for Class 4 gambling venue relocations in the Kāpiti District?

Yes

No

Somewhat

Qu. 4 Do you agree that there should be no consents for standalone TAB venues in the Kāpiti District?

Yes

No

Somewhat

Qu. 5. Please provide further comment based on your responses to questions 1-4 above:

Harmful effects of gambling occur for individuals, whānau and community. For example, problem gambling is strongly correlated with family, whānau and partner violence. Children are exposed to considerable gambling messaging resulting in normalisation of problem gambling behaviour. Broader societal issues arise as a result of the large amount of expenditure going in to gambling.

Equity, as one of the principles of Te Tiriti o Waitangi, requires the Crown to commit to achieving equitable outcomes for Māori. To honour this commitment, the Crown must address and eliminate the inequities in the determinants of health and wellbeing for iwi, hapū, whānau and Māori communities.

Fifty percent of pokie machines are in the poorest communities in Aotearoa which further exacerbates inequities [1].

The population groups more likely to experience inequitable health outcomes include; Māori, Pacific peoples, communities with lower socioeconomic status and marginalised groups. Māori and Pacific peoples are more likely to be affected by gambling harm than any other group. They are also more likely to have other risk factors for gambling harm, such as low incomes and living in low socioeconomic communities where some forms of gambling, are more accessible.

After adjusting for deprivation level, the 2020 Health and Lifestyle Survey found Māori were over 3.39 times more likely to report either gambling-related arguments or money problems related to gambling compared with non-Māori and non-Pacific peoples. Pacific peoples were 2.67 times more likely to report these harms than non-Pacific peoples and non-Māori.

National studies suggest that most gambling-related harm in communities originates from the use of pokies, which represent high risk, high turn-over gambling.

With respect to the Kāpiti district the NPHS is particularly concerned about the people of Ōtaki. Ōtaki has a higher proportion of pokies per head of population, a higher Māori population and a higher level of deprivation. The level of harm will be high and adversely impact on whānua/families that are already struggling, have the least disposable income and simply cannot afford the cost of gambling.

We acknowledge and commend Council on its proposed sinking lid policy for Class 4 gambling and TAB venues. Gambling policies which restrict electronic gambling machines (pokies) operations could lead to reduced gambling opportunity and mitigate subsequent harm over time. We particularly agree that there should be no consent for class 4 gambling venues to relocate as this fits with the sinking lid policy.

Qu. 6: Are you involved in a particular sector impacted by Class 4 or TAB venue gambling? (tick as many as apply)

I am involved in the provision of health/addiction services

Draft Smokefree Public Places Policy

Qu. 1. Do you support the proposed expansion of this policy to prohibit vaping as well as smoking in public places?

Yes

No

Somewhat

Qu. 2. Please provide further comment on the proposed inclusion of vaping in this policy

We support the inclusion on vapefree spaces in this policy. Vapefree outdoor policies are becoming increasingly popular in New Zealand, **55% of council smokefree policies** are also vapefree [2]. Vaping was introduced as a tool to support smokers to quit smoking, however there is a concerning trend of an increasing number of young people vaping who have never smoked. The ASH Year 10 Survey shows that in 2022, 33.8% of Māori aged 14-15 years old were regularly vaping and **21.7% were daily vaping** [3]. This is a significant increase from 2019 where **5.9% of Māori** aged 14-15 years were daily vaping [4].

While nicotine and non-nicotine vaping may be less harmful than cigarette smoking, the long term effects are unknown and it is appropriate to be cautious at this time. It is extremely unlikely that these products are harmless.

By creating vapefree spaces within the Kāpiti Coast District this reduces the social acceptability of vaping and reduces the likelihood of uptake among rangitahi and reinforces the message that vaping was not intended for those who have never smoked.

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Qu. 3: Do you agree with the inclusion of the following areas in the policy?

(tick as many as you agree with)

All Council-owned parks, reserves and sportsgrounds	Yes
All Council-owned playgrounds, including skateparks	Yes
Within 10 metres of public Council buildings and facilities	Yes
Train stations, bus stops and shelters	Yes
Beaches, rivers and lakes	Yes
Outdoor dining on public (Council-controlled) land (from 2025)	Yes
Events held on Council land or receiving Council funding (from 2025)	Yes

Qu. 4. Please provide further comment based on the proposed expansion of smokefree (and potentially vape-free) areas above:

We agree with the above areas being included in the smokefree policy.

National smoking rates are on the decline however smoking rates for Māori and Pacific peoples are still well off reaching the 2025 5% goal. The New Zealand Health Survey shows that daily smoking has reached 8% nationally, however Māori daily smoking is at 19.9% and 18.2% for Pacific peoples [5].

The inclusion of the above areas will help work towards reducing smoking rates for those population groups and contribute to reducing health inequities.

As your own Statement of Proposal outlines, the above areas are already included in many other council smokefree policies. As the government has a goal of a smokefree Aotearoa by 2025 the expansion of more smokefree areas within the Kāpiti Coast District helps to reduce the social acceptability of smoking, reduce the likelihood of uptake and assists smokers in quit attempts. It will also improve the wellbeing of tamariki and rangatahi living in the district.

The NPHS is very concerned about the high levels of smoking and youth vaping in Ōtaki. Consideration should be given to the two block Main Street to become smokefree/vape-free.

Recommendations:

- We recommend that the two block Main Street of Ōtaki be made smokefree/vape-free.
- We suggest that greater weighting is given to the approval of smokefree/vape-free events who are seeking council funding and recommend that this part of the policy be introduced prior to 2025.
- We also suggest that incentives are offered to venues who have smokefree/vape-free outdoor dining. Incentives could be discounts fees for using public spaces.

Qu. 5: Do you have a particular interest in this policy? *(tick as many as apply)*

I am involved in the provision of health/addiction services

References

1. Malatest International. Gambling Harm Needs Assessment 2021. April 2021. Ministry of Health. Available here: <https://www.health.govt.nz/system/files/documents/publications/gambling-harm-needs-assessment-2021.pdf>
 2. Maps of NZ Councils' Smokefree Outdoor Policies and Spaces. 2022. Smokefree Te Whatu Ora. Available here: <https://www.smokefree.org.nz/smokefree-resources/maps-of-nz-councils-smokefree-outdoor-policies-and-spaces>
 3. Edwards R, Hoek J, Waa A, Ball J. 2023. What is happening with vaping among adolescents and young adults in Aotearoa? Public Health Communication Centre Aotearoa. Available here: https://www.phcc.org.nz/briefing/what-happening-vaping-among-adolescents-and-young-adults-aotearoa?utm_source=mc_alert&utm_medium=email&utm_campaign=vaping_stats
 4. Hoek J, Ball J, Robertson L, Gendall P, Wilson N, Edwards R, Waa A. 2022. Daily nicotine use increases among youth in Aotearoa NZ: The 2021 Snapshot Y10 Survey. Public Health Communication Centre Aotearoa. Available here: <https://www.phcc.org.nz/briefing/daily-nicotine-use-increases-among-youth-aotearoa-nz-2021-snapshot-y10-survey>
 5. Ministry of Health. 2022. Annual Data Explorer 2021/22: New Zealand Health Survey [Data File]. URL: <https://minhealthnz.shinyapps.io/nz-health-survey-2021-22-annual-data-explorer/>
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TAKIRI MAI TE ATA
WHANAU ORA
REGIONAL STOP
SMOKING SERVICE

*Submission to the
Kāpiti Coast District
Council Draft
Smokefree Public
Places Policy*

Rau rangatira mā, e kui mā, e koro mā, tēnei aku mihi māhana ki a koutou. Kia ora tātou katoa.

We thank you for the opportunity to provide a submission to the Kāpiti Coast District Council Draft Smokefree Public Places Policy.

Tākiri Mai te Ata (TMTA) is a collective of nine health, education, justice and social service providers, in the Wellington, Porirua and the Hutt Valley, Kapiti and Wairarapa regions that have been working together for 45 + years.

Whānau Ora is about whānau taking responsibility for whānau. It places whānau at the centre and empowers them to lead the development of solutions for their own transformation. The heart of Whānau Ora lies in building on whānau strengths and capability, growing whānau connections, supporting the development of whānau leadership and enhancing best outcomes for whānau.

The providers in the collective work together collectively to realise the aspirations of Whānau Ora.

- Assisting Māori to support and maintain their social and cultural wellbeing
- Identifying whānau needs and responding to them in the best way possible
- Strengthening the ability of whānau to support their own
- Recognising and utilising strengths within the whānau
- Facilitate, advocate and support with extended whānau and agencies on behalf of the whānau

We are the lead contract provider for the Stop Smoking Service on behalf of Te Aka Whaiora (previously Ministry of Health) covering the following regions:



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Tuesday, September 26, 2023

Greater Wellington, Porirua and the Hutt Valley, Kapiti and Wairarapa with a history of providing stop smoking cessation and education programmes for over twenty five years in these communities.

We are a whole population programme with service delivery from a Te Ao Maori service provision model of practice, i.e. we work with the values that underpin the service of our core values are illustrated in the *tohu* of the manu. Te Reo, Tūrangawaewae, Rangatiratanga, Whānaungatanga, Tikanga, Mana, Manaakitanga, Tamariki, Tupuna/Whakapapa, Wairua, Aroha, Kaumātua, and Kaitiakitanga.

They are underpinning principles and beliefs that when woven together, provides a foundation for us to work alongside whānau in recognising their wealth, encouraging them to take charge of their lives and eventually taking flight on a journey towards the achievement of their own dreams and aspirations.

In providing recommendations and feedback to this submission it is with an experience and expertise from a cessation practice and a Public health lens working with organisations and agencies to affect sustainable outcomes.

We mihi to The ART (Āti Awa, Toa, Raukawa) Confederation, The **Iwi and Hapū within the Kāpiti Coast District**

Ōtaki

- Ngāti Raukawa ki te Tonga:
 - Ngāti Huia ki Katihiku
 - Ngāti Koroki
 - Ngāti Maiotaki
 - Ngāti Pare
 - Ngāti Kapumanawawhiti.



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Waikanae, Paekākāriki, Porirua, Wellington

- Āti Awa ki Whakarongotai
- Ngāti Haumia
- Ngāti Toa Rangatira.

We support Council to seek the position of Mana whenua for Kapiti Coast District Council as set out in the local government act 2022 under Treaty of Waitangi with an emphasis on the principle of the act paying regards to: (d)a local authority should provide opportunities for Māori to contribute to its decision-making processes

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes. Ensuring that they have considered the impact on Iwi and Hapu before making any final decision around their response.

(Attachment (1) Ngati Toa Rangatira Position statement)

TMTA Response to the following:

Expanding the number of designated smokefree public places in the district will help safeguard the health and well-being of both smokers and non-smokers by reducing exposure to second hand smoke, encouraging smoking cessation by restricting smoking in public places and reducing the social acceptability and accessibility of smoking.

TMTA Response

Kapiti Coast District Council has a duty of care under the purpose of the act:

Purpose



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The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this Act—

- (a) States the purpose of local government; and
- (b) provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and
- (c) Promotes the accountability of local authorities to their communities; and
- (d) Provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.

Specifically under clauses (c) and (d) which provides for the role of local government to protect its residents and ratepayers from the impact of smoking and vaping, as the normalisation of these tobacco industry products negatively impact their communities in public spaces and negatively impact on the environment which fails to protect the waterways, whenua, air quality these tobacco and vaping products are not sustainable and do not contribute to waste minimisation as both products contain plastics and toxins that are harmful to both people and place.

Further supported by the vision as set out by Mana Whenua under

- Principle 1: Whakawhanaungatanga/Manaakitanga creating a place of wellbeing
- principle 3: Kotahitanga – through unity, tangata whenua and communities have strength. Working together we can ensure that our district’s heritage, cultural development, health, education and economy flourish.
- Principle 4: Tino Rangatiratanga – to exercise self-determination and self-governance with regard to all tribal matters.

We recommend extending the areas of Smokefree Vapefree to all public environs to support denormalisation of use and protect all public environments.



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47. While Council must consider the ability of all members of the community to access public spaces, including smokers, it also has a role to promote the health and wellbeing of the community as a whole. On balance, Council considers that the benefits to the community, and particularly the long-term benefits to the health and wellbeing of our young people, in making a wider range of public spaces smoke-free (and vape-free) is justified.

TMTA Response:

Council has a duty of care under the local government act 2002 (see purpose (c) and (d)) to provide protective measures to public spaces in all areas that Council has legislative oversight and responsibility for, including the leasing and control of Council facilities public buildings, Council through their leasing arrangements and their council controlled contracts under schedule of outcomes for the Council users can provide a clause that prohibits the use, sale and distribution of any and all tobacco and Vaping products. We are proposing that Council act as good guardians of public places, facilities and buildings supported by a robust and clear communication plan that articulates the council's vision and role with smokefree / vapefree public spaces.

We recommend making all environments under council control Smokefree / vapefree as part of their role as public guardians and protecting the future health and wellbeing of all their citizens and ratepayers.

48. We therefore propose that the smokefree policy be broadened to include the following sites immediately upon approval of the draft policy: • All council owned parks, reserves, and sports grounds. • All council owned playgrounds, including skate parks. • Within 10 metres of outdoor public areas around council buildings and facilities. • Train stations, bus stops and shelters • Beaches, rivers, lakes. (b) Outdoor dining & drinking areas on public land, events managed or funded by Council, and other areas identified as high-use smoking areas in the district.



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TMTA Response:

We support this action as outlined in our recommendations above, with the inclusion of Vapefree as part of this policy for the protection of the environment and prevention of the normalisation of use for non-smoking / non vaping populations with a priority for young people and the prevention of uptake of these products.

49. From 2025 we propose extending the Smokefree Parks and Playgrounds Policy to include: • outdoor dining and drinking areas on council owned land • events held at any of Council's smokefree public spaces • public events receiving Council funding.

TMTA Response:

We support this action as outlined in our recommendations above, with the inclusion of Vapefree as part of this policy for the protection of the environment and prevention of the normalisation of use for non-smoking / non vaping populations with a priority for young people and the prevention of uptake of these products. The introduction of the government's goal the set the vision for 2025 was elimination of harm and therefore this action supports this vision beyond the current commitment to a smokefree 2025 New Zealand.

50. Community support for smokefree outdoor areas is well documented; however, there is little local data on business owner/manager's perceptions of smoking, smokefree policy and smokefree outdoor dining/seating areas. National and international evidence indicates that there is a positive or neutral financial impact on businesses from making outdoor areas smokefree. Feedback from many businesses in NZ and overseas is that smokefree outdoor dining areas provide a better environment for staff and are more enjoyable for customers¹². Case studies from Australia indicate this support increases once the public experience smokefree outdoor dining. Following the introduction of the Smokefree Environment Act 2000 in New South Wales, businesses voiced concerns about potential revenue loss. A survey carried



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out shortly after introducing 12 Scollo M, Lal A, Hayland A, Glantz S. Review of the quality of studies on the economic effects of smoke-free policies on the hospitality industry. Tobacco Control. 2003;12:13–20 19 smoke-free dining, revealed that 76% of proprietors surveyed reported normal patronage and 14% reported increased patronage¹³ .

TMTA Response:

We support the Policy of smokefree / vapefree outdoor dining for the Kapiti Community.

Kapiti Coast District Council has a duty of care that requires protection of all its citizens and ratepayers in their community it is clear in the purpose and principal of the local government act that putting in place smokefree / vapefree outdoor areas will protect the most vulnerable of citizens and ratepayers by ensuring exposure and use of smoked tobacco products and the normalisation of vaping products is not a Kapiti experience and in line with the vision of Iwi and the council as a whole.-*

The economic benefits to kapiti businesses and the surrounding community will be supported by the ability of all visitors and local whanau being able to access and have a positive experience of outdoor dining in the Kapiti Community, as opposed to the current climate where only a small percentage of patrons who smoke or vape have access to outdoor dining as this is seen as a major barrier to whanau who do not wish to be exposed to the impact and second hand toxins contained within these tobacco and vaping industry products.



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51. These additional smokefree public places are viewed as Phase 2 of implementation with a longer lead in timeframe to allow both businesses to adjust to the change – allowing time for staff training and appropriate signage to be put in place, and council staff to provide the necessary support and education. Regulatory tools and enforcement Considerations

TMITA Response:

We strongly recommend that Council have a coordinated communication plan that articulates its Policy and the intent of the policy internally and externally so that the public and its officials are clear of their roles, responsibilities as well as expectations of the changes around the policy. Because this is not a legislative role that this policy is asking for smokefree/ vapefree public places, we would recommend that Council relook at their contractual arrangements with vendors, contractors and licensee holders to ensure that this is built into the contract schedule of outcomes so that there is a stronger mechanism for accountability and ownership. Eg. Businesses with who are applying for a license to operate on council controlled land would have a clause requiring them to ensure that the outdoor dining area is smokefree / vapefree and have a plan in place to ensure that this is operationilised (they would provide a copy of the plan and how they intend to provide oversight to the plan) . We would ask that this be put in place within three months of the adoption of the smokefree and vapefree policy so that it was embedded prior to the government goal of a smokefree 2025 expiring and had become normal part of the experience within the Kapiti Region.

52. Council's current smokefree policy is aligned with the vast majority of approaches by Councils across New Zealand in that it is educational and non-punitive in nature. Rather than seeking to punish smokers and vapers with fines or other enforcement mechanisms for breaching the policy, the intent is largely to encourage behaviour change over time through the de-normalisation of the use of tobacco and vaping products by encouraging people not to smoke or vape in designated smokefree and vapefree outdoor public places.



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TMTA Response:

We support Council in taking a denormalisation approach and a protective approach to the implementation of the smokefree / vapefree policy, we know that council is supportive of behaviour change their role is not only to provide oversight to behaviour change but to control the areas of responsibility they provide oversight to. i.e. to enact the local government act around the purpose (C) and (d) and giving effect to the Principles relating to local authorities

- (1) In performing its role, a local authority must act in accordance with the following principles:
- (a) a local authority should—
 - (i) conduct its business in an open, transparent, and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner;
 - (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
 - (c) when making a decision, a local authority should take account of—
 - (i) the diversity of the community, and the community’s interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on each aspect of well-being referred to in [section 10](#);
 - (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes;
 - (e) a local authority should actively seek to collaborate and co-operate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes; and
 - (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
 - (fa) a local authority should periodically—
 - (i) assess the expected returns to the authority from investing in, or undertaking, a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and



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- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and
- (h) in taking a sustainable development approach, a local authority should take into account—
 - (i) the social, economic, and cultural well-being of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.

While there may be an unintentional outcome of behavioural change through some of the proposals outlined in this document, the role of Kapiti Coast District Council is clear as a good steward on behalf of your residents and ratepayers and putting long term wellbeing measures in place to provide protection for the most vulnerable members of community (young people and those who need a healthy environment) and for future residents and ratepayers and that means designing and adopting policies that reflect a healthy safe Kapiti in all environments council provide oversight to.

53. An alternative tool available to Council would be to develop a Smokefree Public Places Bylaw. There are two main legislative mechanisms for this to take place: • Section 145 of the Local Government Act 2002 (LGA 2002): Provides general bylaw making powers to local authorities, for specific purposes, including (b) protecting, promoting, and maintaining public health and safety • Section 23(e) of the Health Act 1956: establishes the power for local authorities to make bylaws under and for the purposes of this Act or any other Act authorising the making of bylaws for the protection of public health.

TMTA Response:

We support council exploring this option given the rates of vaping that exist amongst young people and people who have never smoked but now vape. It is clear that the number of vape retailers that now exists in the Kapiti community and is creating a negative environment in the



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Kapiti region for young people and their whanau. The example provided by Kapiti college at a meeting in September 2023 with the teachers and parents in their community gives alarming accounts of high addiction amongst students and continuous issues with interruption to education, We recommend you exploring this option for a bi law for protection of the community as they have indicated they are no longer able to do this alone without support of key leaders in their community.

54. However, Bylaws made under either of these legislative mechanisms have a high threshold for enforcement, as neither piece of legislation allows a bylaw to be enforced through an on-the-spot infringement fine by Police or Council enforcement officers. The process of bringing about a prosecution for a violation of a bylaw is lengthy, expensive, consumes the time and effort of enforcement officers, and the costs are not recoverable by Council or the Police. This means that any Bylaw made is unlikely to be enforceable in a meaningful way, and it is likely to be an unwieldy mechanism that is likely to be considered a disproportionate response to the issue.

TMTA Response:

We support the exploration of a bi law for the above reasons and the situation in community has become untenable for the community to continue in their current form. They are aware it has been caused by central government policy but the community are begging for local solutions and not get caught in the bureaucracy between central and local government.

55. The Local Government Act requires that before adopting a bylaw, a local authority must demonstrate that a bylaw is the most appropriate way of addressing the problem identified, and that it is consistent with the New Zealand Bill of Rights Act (NZBORA) 1990. Given that smoking remains a legal activity in New Zealand, a smokefree bylaw extending across a wide range of locations and contexts would be difficult to justify and vulnerable to legal challenge. Furthermore, smoking is recognised by public health professionals as a complex addiction with



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no single easy solution. The heavy-handed 13 Chapman S, Borland R, Lal A (2001) Has the ban on smoking in New South Wales restaurants worked? A comparison of restaurants in Sydney and Melbourne. Med J Aust 174: 512-515. 20 use of a Bylaw could undermine the intention and credibility of the policy by stigmatising and punishing those who are struggling with a recognised addiction.

TMTA Response:

Please see above responses

56. Evidence from overseas shows that even where bylaws exist and authorities have the power to levy instant fines or to prosecute, the use of these powers is rare and most effort is put into communicating Smokefree Policies through signage, information campaigns, smoking wardens, and public health education. What we propose

TMTA Response:

See above response

57. Our approach under the existing Smokefree Parks and Playgrounds Policy is about positively encouraging smokefree and vape-free areas, rather than punishing people for smoking or vaping. Council considers that this is the most appropriate tool and approach and proposed that the revised Smokefree Public Places Policy will continue to take an educational approach about the physical, social, and environmental benefits of being smokefree and vape-free. Options considered but not progressed

TMTA Response:

We recommend a coordinated communication plan that continues to articulate Councils policy education is not enough, signs are not enough this communication plan needs to encourage



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ownership by the whole community so that it is understood that it is a whole community role to ensure the success of this policy.

58. Other outdoor public spaces were considered as part of the review but have not been included in the revised policy for the following reasons:

- CBD/Civic spaces – further investigation is required to determine where appropriate CBD boundaries would lie and how this wider restriction could be implemented to achieve the greatest impact. More general geographical restrictions on smoking may be better achieved once the public has had time to adjust to the initial policy changes and the notion of Smokefree public spaces becomes more engrained. The idea of more sweeping geographical restrictions on smoking is one that may be best worked through as part of the wider Health Strategy.
- Social Housing – Some council have included Social Housing in their Smokefree Public Places Policies. Wellington City Council is the only council in the Wellington Region to prohibit smoking in a City Housing building or unit, and in communal areas. Designated Smokefree areas are provided in some complexes. The only Social Housing Kāpiti District Council owns is the housing for older persons and it could be considered too heavy handed to prohibit people smoking in their own homes. It may be unfair to limit an individual's access to social housing based on their addiction to smoking, or to deny them access to safe housing. This is an area that could be considered as part of the review of our Older Persons Housing.

TMTA Response:

We recommend that council is consistent across the board with all facilities, environments and public spaces that come under the control of council, leadership starts with the civic centres that are the heart of council controlled areas, social housing requires a two prong approach to supporting people to quit, information on eligibility for housing and support to access quit programmes, it is not heavy handed to look after assets that are owned by residents and ratepayers of Kapiti and require the council to be good stewards of these assets, the costs of repainting and decontaminating spaces are a cost worn by the ratepayers and a policy that



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requires the renter to at the very least smoke or vape outside and not in the premises is a reasonable approach and offering cessation support to residents is a supportive approach, implementing a system that rates non-smoking/ vaping as part of the criteria moves council towards a social housing system that will have an outcome of zero smoking vaping as a vision for all housing and council facilities owned by council. TMTA has been working with Wellington City council for the last seven years since the implementation of their policy and this has been successful, while they have residents who are legacy tenants (pre the introduction of this policy) they have taken the approach to phase out the act of smoking in their tenancies and this has been accepted as part of the obligations as a tenant in public housing. We continue to support tenants who are on the journey of quit with cessation support.

Smokefree / Vapefree Signage

It is the recommendation of our whanau ora service that not only do Council provide smoke free / Vape free signage in all areas that are owned and covered by council as but on all sites council provides oversight to but also include in the signage details of where they can seek support to quit, this includes on all social media and websites under the control of council including newsletter and information that accompanies rates bills and changes to council. This will ensure that council are not just telling residents and ratepayers as well as visitors not to smoke or vape but where your local cessation support is to seek help to quit.

Council buildings

We note that council have designated smoking areas for staff in some of their council sites this sends mixed messages for the public who see council officers as also needing to comply with councils smokefree / vapefree policy, Council also has a duty of care to staff to protect their environment while in their employment to keep the safe and well from the harm of second and third hand smoke with the transfer of toxins on to council office furniture that has community use. Smokefree / Vapefree is not just for the public it is for everyone who is in the care and



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protection of Council. Support needs to be offered to staff and information provided on where to access this support.



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Tuesday, September 26, 2023



Submission Form for Kāpiti Coast District Council:

- Draft Class 4 Gambling & TAB Venue Gambling Policy 2023
- Draft Smokefree Public Places Policy 2023

See the Statement of Proposal for each draft policy.

<https://haveyoursay.kapiticoast.govt.nz/gambling-and-smokefree-policy-reviews>

Please complete the submitter details then answer the questions on the gambling **and/or** smokefree policies.

Submissions Close 12.00pm, Monday 2 October 2023

Submissions will be heard on Thursday 19 October 2023

1. How to Lodge your Submission:

Online: Go to <https://haveyoursay.kapiticoast.govt.nz/gambling-and-smokefree-policy-reviews>

and click **Have Your Say**

You can also email, post or deliver this submission form as follows:

Email: haveyoursay@kapiticoast.govt.nz

Post: Kāpiti Coast District Council
Private Bag 60-601,
PARAPARAUMU 5254

Deliver: Paraparaumu Service Centre, 175 Rimu Road
Waikanae Service Centre, Mahara Place
Ōtaki Service Centre, 81-83 Main Street

2. Your Details:

Submitter Details						
Is this an individual submission?			Yes		No	
Organisation (if applicable):			Cancer Society of NZ – Wellington Division			
Would you like your submitter details to be anonymous?			Yes		No	
Title (tick one)	Mr.		Mrs.	X	Other (please specify)	
First Name:	Mandy					
Last Name:	Savage					
Address:	Kāpiti Support Centre 27 Kāpiti Road, Paraparaumu, 5032					
Email:	mandys@cancersoc.org.nz					
Phone number:	04 2988514		Mobile:	027 2601502		
What is your connection to the Kāpiti Coast? (circle all that apply)						
I live in the District			I work in the District			
I'm a Kāpiti Coast District ratepayer			I own a business in the District			
I'm a visitor to the District			Prefer not to say			
What is your ethnicity?						
NZ/European			Māori			
Pacific peoples			Asian			
Other Ethnicity			Prefer not to say			
Do you want to speak to the Council about your submission at the consultation hearing to be held on Thursday 19 October 2023?					Yes	No

3. Draft Class 4 Gambling & TAB Venue Gambling Policy

(Please refer to the Statement of Proposal)

- *Council is proposing a new sinking lid approach in the draft policy.*
- *Class 4 gaming machines are commonly known as pokie machines.*

Qu. 1. Do you agree that there should be no consents for additional Class 4 gambling venues in the Kāpiti District?

Yes	No	Somewhat
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Qu. 2. Do you agree that there should be no consents for additional Class 4 gaming machines in the Kāpiti District?

Yes	No	Somewhat
------------	-----------	-----------------

Qu. 3 Do you agree that there should be no consents for Class 4 gambling venue relocations in the Kāpiti District?

Yes	No	Somewhat
------------	-----------	-----------------

Qu. 4 Do you agree that there should be no consents for standalone TAB venues in the Kāpiti District?

Yes	No	Somewhat
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Qu. 5. Please provide further comment based on your responses to questions 1-4 above:

Local councils now play a greater role in community wellbeing and equity. Their commitment to Te Tiriti o Waitangi has been strengthened through the Local Government (Community Well-being) Amendment Act 2019. The domain of Social Wellbeing includes education, health, the strength of community networks, financial and personal security, equity of opportunity, and rights and freedoms. A community awash with harmful commodities such as vapes/tobacco/alcohol/junk food/pokies or Class 4 gambling where KCDC is the landlord does not align with KCDC's obligations around Social Wellbeing.

Nationally, \$10,353,808 was lost on Class 4 pokies in the 2022 calendar year. ¹ In Kāpiti there are 184 pokie machines across 11 Class 4 /pokie venues. ¹ 2021 data from the District Licensing Committee shows that in Kāpiti there are 925 patrons per pokie machine. The takings per machine are \$43,103.45.²

There tends to be a concentration of pokies in Kāpiti's lower socio-economic communities. A 2019 article found an over-supply (61 pokie machines) in Ōtaki, when the recommended number for the community should be 42.³

KCDC is committed to developing a health strategy for our community. As a landlord in our community, we recommend that **no** KCDC owned properties are leased to businesses that sell cancer-causing and vaping products or other harmful commodities. We also recommend that KCDC does not enter into lease agreements with 'poverty predators' such Fast Food/Junk Food outlets, or places where Class 4 pokies operate.

References

1 Problem Gambling Foundation website <https://www.pgfnz.com/regional-pokie-stats>

2 The Salvation Army's Social Policy and Parliamentary Unit. Data provided to the Cancer Society's Wellington Division.

3 Hatton, E. Pokie machines should go says recovering gambler

<https://www.rnz.co.nz/news/national/391186/pokie-machines-should-go-says-recovering-gambler>

Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

Qu. 6: Are you involved in a particular sector impacted by Class 4 or TAB venue gambling? (*tick as many as apply*)

I'd rather not say

I am not directly impacted

I am personally impacted by problem gambling through my own or another's actions

I am involved with a pokie trust/non-club society

I am involved with a club society (i.e. Club Vista/Waikanae Chartered Club/Ōtaki RSA)

I run a venue that operates pokies

I apply for pokie funding for my sport/community group etc.

I belong to a sports club or community group etc that benefits from pokie funding

I am involved in the provision of health/addiction services

x

Other (please state)

Comments:

4. Draft Smokefree Public Places Policy

(Please refer to the Statement of Proposal)

Qu. 1. Do you support the proposed expansion of this policy to prohibit vaping as well as smoking in public places?

Yes	No	Somewhat
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Qu. 2. Please provide further comment on the proposed inclusion of vaping in this policy

We are very excited that Kāpiti Coast District Council is considering the inclusion of vaping in the Smokefree Public Places Policy. The current rates of vaping among rangatahi (youth) are rapidly rising. Vaping devices were originally promoted for smoking cessation purposes. However, our future generations are using it for recreational purposes and becoming highly addicted. As shown by the graph below the numbers of 10- to 15-year-old vaping daily is increasing. Responding to youth vaping is therefore very important factor to reach the Smokefree 2025 goal and beyond.

Figure 2: Regular smoking (1999-2022) and regular vaping prevalence (2014-2022)

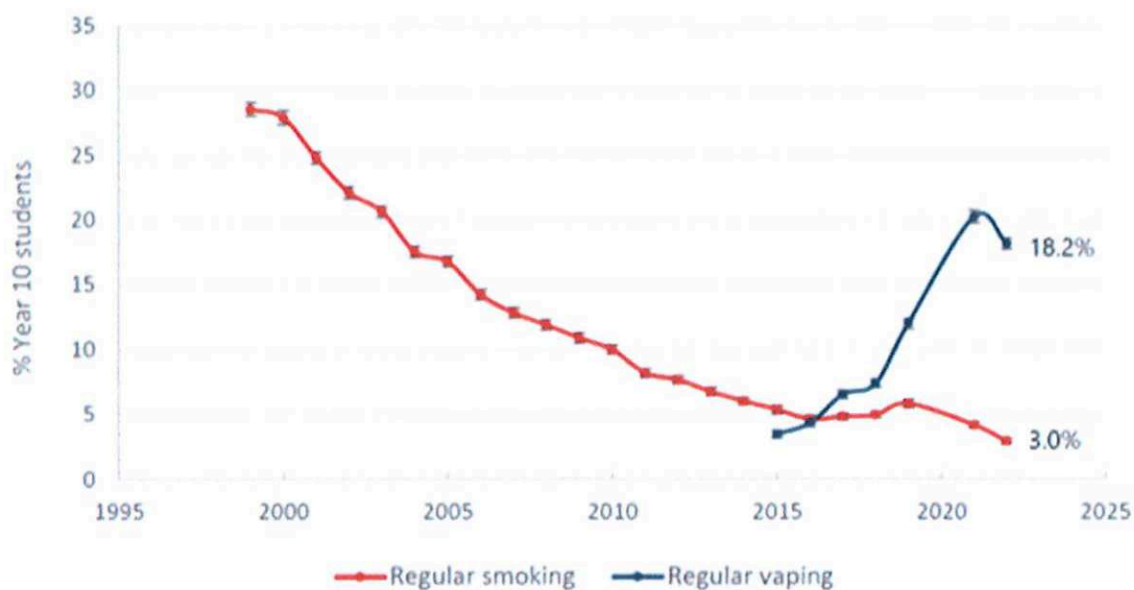


Figure 1: Prevalence of regular smoking and regular vaping from ASH Year 10 Snapshot Survey 2022.

“Regular” use is defined as participants that report smoking or vaping either daily, weekly, or monthly.

The tobacco industry is continuing to target young people to engage in vaping behaviour, like cigarette promotion aimed at adolescents in the past.

With the many central government changes stated under the Smokefree Environments and Regulated Products (Vaping) Amendment Bill, vaping is now also part of this Bill. Our communities throughout New Zealand are crying out to see changes in this space due to its debilitating, addictive nature, as well as the unknown harms in the future. It is encouraging that their voices were heard, and vaping regulations are included in national smoking legislation. Local government is in an excellent position to be both ahead of current vaping regulations and implement other measures to decrease the current trend in vaping rates among rangatahi in Kāpiti.

As shown by the image below, our country has one of the highest nicotine concentration levels in the world. Nicotine is highly addictive and is found in many vape products. This is what keeps our young people hooked and dependant on vapes. Many studies have shown that the links between nicotine and worse symptoms of mental health, particularly worsening depression, and anxiety ⁸.

How do other countries regulate nicotine?

The U.S.'s lack of regulation of nicotine levels is dramatically different from other countries. The highest nicotine concentration allowed in the European Union and the United Kingdom is 20 mg/ml (2%).

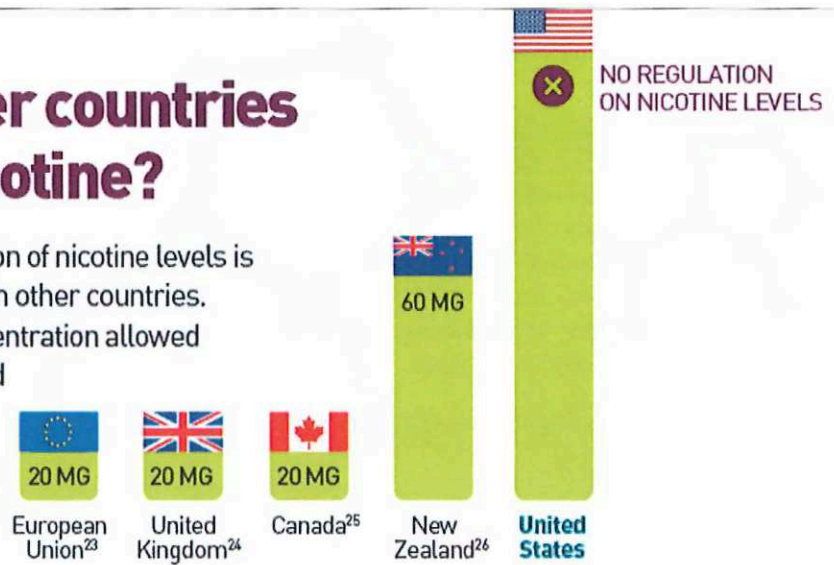


Figure 2: How do other countries regulate nicotine? Nicotine and the young brain. Truth Initiative. [Nicotine_Factsheet_FINAL_061722.pdf \(truthinitiative.org\)](#)

From the central government and Ministry of Health community consultations that we conducted for the Smokefree Environments & Regulated Products (Smoked Tobacco) Amendment Bill and Smokefree Environments and Regulated Products (Vaping) Amendment Bill earlier this year, many people shared their thoughts on vaping. If we are serious about listening to community voice their feedback needs to be taken into consideration. It is apparent that vaping **must** be included in this policy. The voices echoed what our future generation has to say, particularly those attending Paraparaumu College. The first two quotes were from junior students.

- "People vape to be cool and fit in. Some classmates have their own problems, they need it to chill out, they do it because they hate school. Easier to go to the bathroom and vape than face school."
- "At school everyone has vapes, there is always someone in the bathroom vaping, it is normal and unusual not to vape".
- "Vaping has gotten a new generation addicted to nicotine. On top of that adding taxes to cigarettes only punished those who are addicted - especially those from lower socioeconomic and neurodiverse backgrounds Smoke free 2025 will fail because it fails to address the underlying causes of addiction recovery, specifically environmental factors"
- "All regulations must include vaping and be strictly enforced. I often observe that vaping is more often tolerated but it should not be permitted anywhere smoking is not permitted."
- "I am worried that the long-term effects of vaping for people could be as harmful, or worse, than the effects of smoking cigarettes."
- "Addressing vaping needs to be a priority particularly with rapid rise in use amongst young people."

- *"We don't fully know all the risk factors of vaping regularly yet as it has only been popularised in recent years, but it was the same with cigarettes to start with and now we know just how dangerous the health risks are when you're a regular smoker, so I think vaping should be taken just as seriously too. The only good thing that should go in a person's lungs is oxygen."*
- *"It is going to be difficult to achieve Smokefree 2025 when vaping is essentially a legalised gateway to tobacco use. Vaping must be eliminated as well."*
- *"Ban vapes altogether"*
- *"Vaping needs to be clamped down on. It is rampant amongst teenagers and in younger people becoming a gateway to tobacco smoking rather than being used as a quitting device."*
- *"Too many vaping shops - why do Councils allow this?"*
- *"All regulations must include vaping and be strictly enforced. I often observe that vaping is more often tolerated but it should not be permitted anywhere smoking is not permitted."*
- *"I don't think anyone should be smoking/vaping in public areas."*
- *"We really need to attack vaping head on for the younger generation, they don't see smoking as "cool" anymore which is great but younger and younger children are trying vaping and getting access to it anyway they can. I work with kids and have seen as young as 10 trying to vape. We need the same campaigns around vaping that we have for smoking."*

Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

Qu. 3: Do you agree with the inclusion of the following areas in the policy?

(tick as many as you agree with)

All Council-owned parks, reserves and sportsgrounds	Yes
All Council-owned playgrounds, including skateparks	Yes
Within 10 metres of public Council buildings and facilities	Yes
Train stations, bus stops and shelters	Yes
Beaches, rivers and lakes	Yes
Outdoor dining on public (Council-controlled) land (from 2025)	Yes
Events held on Council land or receiving Council funding (from 2025)	Yes

Qu. 4. Please provide further comment based on the proposed expansion of smokefree (and potentially vape-free) areas above:

We acknowledge that there will soon be a reduction in the concentration of tobacco outlets, according to national amended Smokefree regulations. However, currently nothing will change regarding the increasing concentration of specialist vape retailers. The Cancer Society requests KCDC is proactive and declines certain tenants for two reasons:

1. KCDC is committed to developing a health strategy for our community. As a landlord in our community, we recommend that **no** KCDC owned properties are leased to businesses that sell harmful, cancer-causing and vaping products.
2. We recommend avoiding or terminating lease agreements with businesses such as Specialist Vape Retailers, Tobacconists and Liquor stores. We also request that KCDC does not enter into lease agreements with 'poverty predators' such as Fast Food/Junk Food outlets, or places where Class 4 pokies operate.

Local councils now play a greater role in community wellbeing and equity. Their commitment to Te Tiriti o Waitangi has been strengthened through the Local Government (Community Well-being) Amendment Act 2019. The domain of Social Wellbeing includes education, health, the strength of community networks, financial and personal security, equity of opportunity, and rights and freedoms. A community awash with harmful commodities such as vapes/tobacco/alcohol/junk food/pokies or Class 4 gambling where KCDC is the landlord does not align with KCDC's obligations around Social Wellbeing.

There is a massive gap in our new national Smokefree and Regulated Products and Environments Amended Bill which does not cover public smokefree spaces. These areas are where our communities work, live, and play. Local government can fill this critical gap with the expansion of Smokefree areas, particularly in the above areas. Cancer Society recommends the inclusion of town centres, public toilets, Council owned or managed public park and Council led events (proposed from 2025).

Extending your Smokefree and Vape-free policy, will support whānau and communities to be protected from the effects of second-hand smoke and future vaping effects, encourage smokers to quit and de-normalise smoking/vaping behaviours, protect our environment from cigarette butt pollution or vape device waste in waterways, beaches, and our avian and marine life.

Support whānau and communities from the harmful effects second-hand-smoke and potential harms of vaping.

Years of public health initiatives have led to the decrease in smoking rates across Aotearoa. However, tobacco smoking is still a massive problem globally. Over 5,000 lives are lost due to addiction and the harmful effects of tobacco smoking in Aotearoa. There are many unfair disparities of smoking rates and harms among Māori, Pacific, low-income communities, individuals with mental health challenges, and adults with disabilities.

Second hand-smoke (SHS) is harmful for smokers and non-smokers. The main reason for implementing smokefree public spaces is to reduce individuals' exposure to SHS as there is 'no safe level of exposure to second-hand tobacco

smoke¹. With over 7000 chemicals in one cigarette, many of which are carcinogenic, adjusting this exposure can prevent future health complications. For instance, not smoking can prevent 15 different types of cancers and other health problems associated with the heart and lungs. Creating smokefree spaces safeguards the health and wellbeing of our communities.

The harms of vaping are not entirely known, but there are many chemicals and metals found in vape juice. Vape juice contains many solvents, propylene glycol, vegetable glycerine and flavours and nicotine⁶. Young people, including children, are exposed to vaping behaviours and enticing clouds of vapourised fruit, desserts, or lollies scents everywhere. Having areas where this behaviour is banned may encourage quitting or discourage young people from taking up vaping.

Encourage smokers to quit and de-normalise smoking and vaping behaviours.

Quitting: Smokers need areas that are smoke free to encourage them to quit. New Zealand based evidence shows that seeing others smoking around you increases smoking and demotivates quitting². Strong international evidence also proves hospitality smokefree areas prevent relapses and increases quit attempts⁽³⁻⁴⁾. Steps must be taken to make vapes less appealing to reduce vaping prevalence among young people. As local Council, you can make vaping less appealing by creating vapefree areas, too.

Denormalisation through Smokefree and Vapefree Areas: The extension of these Smoke-free areas can contribute to the denormalization of smoking and vaping. These areas can prevent children and young people from viewing smoking and vaping as desirable or aspirational. The denormalization process of smoking and vaping can protect future generations from a lifetime of addiction. Young people who are exposed to smoking behaviours are more likely to start smoking, visibility also makes it difficult for people to remain smokefree after quitting².

Vaping is already normalised in our rohe. There are 10 vape stores in Kāpiti at the last count. Our young people are also targeted with online or street marketing, and at schools/colleges among peers. There is strength in making areas vapefree too, especially among young people who may perceive vaping as safe.

KCDC has a commitment to the Environmental Wellbeing domain under the Local Government (Community Well-being) Amendment Act 2019. This means that there needs to be consideration as to whether the natural environment can sustainably support the activities that constitute healthy community life, such as air quality, fresh water, uncontaminated land, and control of pollution. We need to protect our environment from cigarette butt and vaping devices pollution in our waterways, beaches, and in our avian and marine life.

The toxic waste created by vaping and cigarette products is on the rise globally and in Aotearoa. Creating spaces that are both smokefree and vapefree will reduce pollution of toxic chemicals, heavy metals, flammable ion batteries, and microplastics into Kāpiti's waterways and beautiful natural environment⁵.

Cigarette Butts:

1. Toxic Chemicals: About **1,134,292 cigarette butts** were collected at beaches and in waterways around the globe in 2021⁷. Cigarette butts contain a wide range of toxic chemicals, including nicotine, tar, heavy metals, and harmful pesticide residues⁷. These chemicals can leak into the environment when they are discarded.
2. Environmental Impact: When cigarette butts are improperly disposed of, they can end up in our waters, where they release toxins and can harm to marine life⁷.
3. Long Decomposition: Cigarette butts are not biodegradable. They can persist in our environments for years, slowly breaking down into microplastics.
4. Clean-up Costs: This waste can incur massive costs to clean up. This includes financial and environmental impact of resources that may be used for clean-up.

Vape Waste:

1. E-waste: Vaping devices, (disposable mainly), contribute to electronic waste (e-waste), which can be challenging to recycle and dispose of properly.
2. Toxic Contents: Vape liquids often contain harmful chemicals, including nicotine, propylene glycol, and various flavourings⁶. When these get disposed of hastily, these substances can leach into soil and water, putting our ecosystems at risk.
3. Battery Disposal: Vaping devices rely on batteries, and improper disposal of these batteries can lead to environmental contamination. Some batteries contain heavy metals, such as lithium-ion batteries, which can be harmful if they end up in landfills and could lead to fires⁵.
4. Lack of Recycling Infrastructure: Unlike some electronics, there is still an extremely limited infrastructure for recycling vaping devices and e-liquids. These often end up in landfills or are thrown away inadequately. Disposable vapes are a particular problem.

References

1. World Health Organization, & Tobacco Free Initiative (WHO). (2007). *Protection from exposure to second-hand tobacco smoke: policy recommendations*. World Health Organization.
2. Ivory, V. C., Blakely, T., Richardson, K., Thomson, G., & Carter, K. (2015). Do changes in neighborhood and household levels of smoking and deprivation result in changes in individual smoking behavior? A large-scale longitudinal study of New Zealand adults. *American journal of epidemiology*, 182(5), 431-440.
3. Zablocki RW, Edland SD, Myers MG, Strong DR, Hofstetter CR, Al-Delaimy WK. Smoking ban policies and their influence on smoking behaviors among current California smokers: a population-based study. *Prev Med* 2014;59:73-8.
4. Chaiton M, Diemert L, Zhang B, Kennedy RD, Cohen JE, Bondy SJ, Ferrence R. Exposure to smoking on patios and quitting: a population representative
5. Truth Initiative. (2021). A Toxic, Plastic Problem: E-cigarette Waste and the Environment. Washington, DC. <https://truthinitiative.org/research-resources/harmful-effects-tobacco/tobacco-and-environment>.
6. Vaping Facts. (2022). Te Whatu Ora. <https://vapingfacts.health.nz/the-facts-of-vaping/what-is-vaping/>
7. Truth Initiative. (2021). Tobacco and the Environment. <https://truthinitiative.org/research-resources/harmful-effects-tobacco/tobacco-and-environment#:~:text=Cigarette%20butts%20cause%20pollution%20by,toxic%20to%20fish%20and%20microorganisms>.
8. Truth Initiative. (2021). Vaping Nicotine and mental health. (<https://truthinitiative.org/research-resources/emerging-tobacco-products/vaping-nicotine-and-mental-health-infographic>)

Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

Qu. 5: Do you have a particular interest in this policy? (tick as many as apply)

I'd rather not say	
I am not directly impacted	
I am a smoker	
I am a vaper	
I have smokers/vapers in my whānau/family	Yes
I am involved in the retail or tobacco or vaping products	
I am involved in the provision of health/addiction services	Yes
Other (please state)	

Comments:

5. Privacy

The Council has a Privacy Officer whom you can contact if you have any concerns regarding privacy issues.

Personal information provided to the Kāpiti Coast District Council ("the Council"), may be held, used and disclosed by the Council:

- to enable the Council to communicate with you for any purpose
- to enable the Council to provide you, or have provided to you, advice and information concerning products and services that the Council believes may be of interest to you
- to enable the Council to administer and maintain its records and carry out its required functions.

Personal information may be collected by the Council and will be held by the Council, whose address is Private Bag 60601, Paraparaumu.

You have the right under the Privacy Act 2020 to obtain access to and to request correction of any personal information held by the Council concerning you.

Name:Mandy Savage

Signature: (of submitter or person authorised to sign on behalf of the submitter)

Mandy Savage

.....
...27/9/23.....2023

Date:

(Note: A signature is not required if you make your submission online or by email)

If you have any questions about the Draft Class 4 Gambling & TAB Venue Gambling Policy 2023 or Draft Smokefree Public Places Policy 2023 check out the information on our website at <https://haveyoursay.kapiticoast.govt.nz/gambling-and-smokefree-policy-reviews> before submitting.

