



**Community Service Committee
Smoking Restrictions in Municipal Outdoor Spaces: Public Participation Meeting
October 1, 2012 7 p.m. Council Chambers**

Presentation by the London Public Library

Thank you for this opportunity to address the Committee tonight on behalf of the London Public Library.

The London Public Library is pleased to see the report from Civic Administration with respect to smoking restrictions in municipal outdoor spaces and in particular, supports the restrictions proposed in Option 2 regarding entrances to municipal buildings to prohibit smoking within 9 meters (30 feet) of an entrance to a municipally-owned building.

I would like to address four aspects of this proposal as it relates to the London Public Library and its patrons:

- The London Public Library's policy;
- The Fundamental problem the Library is facing with regards to smoking at entrances;
- The Strategies we have engaged; and
- The Need for Next Steps beyond what the proposed changes to the by-law can address.

Library Policy

The London Public Library has had its own policy in place since 2008, which currently restricts smoking on Library property within 3 metres (10 feet) of any entrance to any LPL facility.

For the most part, we manage this restriction effectively on our properties. We are very aware of the public's concern regarding exposure to second hand smoke by children, youth and all of our patrons and the impact of role modeling smoking behaviours in the front of libraries along with the litter that is generated by cigarette packs and butts on the ground or around trash containers. We have placed signage at our entrances, encourage the disposal of cigarette butts in appropriate containers and discourage smokers at our entrances. Our patrons are respectful and self-policing at most locations.

Fundamental Problem

The issue of smoking at the entrance of the Central Library is quite a different matter and we would like to bring this to the attention of the Committee as it has been a constant issue since the building opened in 2002. It is one of the single most frequent complaints we have received from the public with regards to this building.

The fundamental issue with this entrance is that there is virtually no Library property associated with the building. The sidewalk abuts the doorway with the exception of two small alcoves to the east and west of the doors. (See attached Diagram 1.) As a result, smokers congregate, particularly in the cold or rainy weather and cause congestion and second-hand smoke at the entrance. Instead of entering an environment that is safe and welcoming for all, our patrons must frequently push their way through a crowd of smokers who block the entrance way. In particular the accessible doorway on the west side provides a particularly sheltered spot, blocking access by patrons who most need an easy path into the Library.

The sidewalk abutting our entrance way is considered a "highway" under the *Municipal Act* and as such has restrictions placed on it (under Section 115 (3) of the Act) prohibiting the application of by-laws related to smoking of tobacco. In effect, the sidewalk just outside our door can have no restrictions on smoking.

This means that our security staff cannot enforce our policy and that the Middlesex London Health Unit Tobacco Enforcement Officers or community policing officers cannot remove smokers from this area.

The Strategies Applied

The Library has met with the Middlesex London Health Unit, City of London and London Police Services to develop strategies to assist with this issue. We have tried solutions and will continue to apply these as we can:

- We have implemented regular patrols of our security officers to encourage smokers to move. Smokers can remove from the alcoves but once they are on the sidewalk they are not required to move.
- We have installed signage requested “no smoking”.
- We have received the support of London Police Services whose community policing officers patrol the sidewalk area.
- We have used music as a deterrent to loitering (and related smoking) but we are reviewing the use of this as it is not consistent with interests of our downtown residential neighbours who have requested that we remove the music.

What we don't have is municipal or provincial legislation to enforce.

We have consulted with other public libraries in urban cores some of whom have had similar problems and instituted similar solutions. However, the impact of the adjacency of the “highway” to the entrance of a public building is not distinctive to libraries alone. When we consider other buildings in the City's core, whether it is municipal, provincial and federal, there are many examples of buildings with only very limited “alcove” like space that exists before the sidewalk begins. Enforcing a distance of 9 metres where buildings are not set back from the “highway” is impossible.

Next Steps

The staff report notes that in the next steps, that further details regarding consistency with the *Municipal Act*, fees and enforcement obligations would be investigated by Civic Administration.

The Library is grateful for the work that has been done by Civic Administration with regards to the proposed changes to the city's by-law. We respectfully request that a review of the disconnect between the allowances for smoking on “highways” under the *Municipal Act* and the intentions of the *Smoke Free Ontario Act* to restrict smoking at the entrances of municipal building and other public facilities be reviewed and brought to the attention of the province.

By addressing this fundamental issue, we are hopeful that our municipal buildings and perhaps all public buildings in urban areas will become more welcoming, safe and healthy places to enter by everyone.

Respectfully Submitted

Margaret Mitchell
Deputy CEO
London Public Library

Diagram 1

London Public Library
Central Library Entrance

