

EXETER CITY COUNCIL

**SCRUTINY COMMITTEE - COMMUNITY
27 FEBRUARY 2007**

**EXECUTIVE
13 MARCH 2007**

**HEALTH ACT 2006 - IMPLEMENTATION OF
SMOKE FREE LEGISLATION**

1. PURPOSE OF REPORT

- 1.1 This report provided information about the smoke free provisions of the Health Act 2006, which comes into force on 1 July 2007. It also seeks support for the actions proposed to ensure this important piece of health legislation is successfully introduced in Exeter.

2. BACKGROUND

- 2.1 The Health Act 2006 makes provision for prohibiting smoking in certain premises, places and vehicles making virtually all enclosed public places and workplaces smoke free. Encouraged by international precedents, where compliance with smoke free laws has been high, the government's intention is to create a supportive environment where people are encouraged to comply with the new legislation.
- 2.2 It is not the government's intention to ban smoking. The objectives for smoke free legislation are as follows:
- To reduce the risk to health from exposure to second hand smoke (known previously as passive smoking).
 - Increase the health benefits of smoke free enclosed public places and workplaces for people trying to give up smoking so they can succeed in an environment where social pressures to smoke are reduced.
 - Recognise a person's right to be protected from harm and to enjoy smoke free air.
 - Save thousands of lives over the next decade by reducing both exposure to hazardous second hand smoke and overall smoking rates.
- 2.3 The Scientific Committee on Tobacco and Health Report (**SCOTH**) 2004 confirms the impact of second hand smoke on non-smokers as a 50% increase in the risk of coronary heart disease, 20 - 30% increase in the risk of lung cancer, increased risk of a stroke and severity of asthmas and a decrease in lung function. The more common and noticeable reactions are eye irritation, headache, coughing, sore throat, dizziness and nausea.

- 2.4 In an article published in the British Medical Journal it was estimated that second hand smoke leads to 11000 deaths from general exposure, 700 deaths from specific workplace exposure and 54 premature employee deaths each year in the UK hospitality industry.
- 2.5 In the lead up to 1 July 2007, The Department of Health will embark on a high profile awareness raising exercise with the general public and businesses to ensure people are aware of the reasons for this legislation; what it means and when it comes into force; and what individuals and businesses need to do to comply.
- 2.6 Local Authorities are expected to approach enforcement issues in a non-confrontational manner, by focusing resources on raising awareness and understanding to ensure compliance. Enforcement officers are expected to work closely with businesses to build compliance through education, advice and support before the legislation comes into force.
- 2.7 The City Council will have enforcement responsibilities for both smoke free premises and smoke free vehicles in their areas.
- 2.8 The funding allocated to Exeter City Council is as follows:

2006/07 Grant Allocation	2007/08 Grant Allocation	Total
£10,789	£52,966	£63,755

3. PROPOSALS

- 3.1 We propose carrying out a range of activities to raise awareness of the legislation and assist businesses in complying with it. The table below provides an overview of the key activities initially identified together with a suggested budget provision.

Proposed Activity	Provisional budget 07/08
Launch seminars in early April	
Presentations to interested groups	
Publications, articles, advertising, printing	
Website	
Training for enforcement staff	
Total	

- 3.2 Elsewhere on this agenda a report on the litter wardens proposes that up to £30,000 of the funding from 2007/08 is used to extend the duration of employment and the remit of the litter enforcement officers. This will allow them to take on an advisory/educative role prior to the introduction of the smoke free legislation and thereafter to provide an initial response where incidents of non-compliance are reported or determined as well as continuing their prevention role.

3.3 Other expenditure may prove necessary in the light of experience, for example the provision of additional bins.

3.4 The smoke free legislation has wide ranging implications for many council services. It is important the City Council takes this opportunity to work with the business community and local residents to avoid problems such as an increase in litter, the erection of smoking shelters or roof top terraces without planning permission, an increase in noise from people congregating outside venues which in turn may lead to a review of the premises license. To ensure that the City Council fully considers the implications of the legislation and that the various services coordinate their activities, a steering group including representatives from across the Council together with external agencies including the police will meet regularly.

4. FINANCIAL IMPLICATIONS

4.1 Executive is asked to approve a spending of up to £63,000 for implementing the new Health Act 2006 smoke free provisions up to £10,000 of which may be spent in the current financial year. This will be fully funded by the additional government grant.

5. RECOMMENDED:

- 1) the Council's new responsibilities under the Health Act 2006 and proposals for implementing these are noted;
- 2) additional spending of up to £63,000 be approved.

PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

Originator: Nick Mann

S:PA/LP/Committee/207SCC14

2 February 2007

COMMUNITY & ENVIRONMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

1. Health Act 2006
2. Local Authority Circular (2006)