

ARRANGEMENTS FOR THE IMPLEMENTATION AND ENFORCEMENT OF SMOKEFREE LEGISLATION

EXECUTIVE MEMBER: Cllr G Blackwell
LEAD OFFICER: Keith Parker – Head of Leisure and Environmental Services
REPORT AUTHOR: Vic Emmerson – Environmental Health Manager

Summary: This report advises members on the proposed administration and enforcement of the forthcoming “Smokefree” legislation.

Recommendations:	That: <ol style="list-style-type: none">1. The Council funds 0.5 full-time equivalent of 2 Smokefree Enforcement Officers to be employed by Allerdale Borough Council;2. the funding to be received from the Department of Health be spent as outlined in paragraphs 3.1 and 3.3 of this report;3. any of the £6495 received during which is not spent be carried over into the financial year 2007/2008. .
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Impact on delivering the Corporate Plan: Effective administration and enforcement of the “Smokefree” legislation will contribute towards the Council’s objectives relating to health improvement.

Impact on other statutory objectives (e.g. crime & disorder, LA21): Possible increase in litter from discarded cigarettes outside premises; possible increase in noise outside premises because of persons congregating to smoke; possibility of public disorder arising from persons congregating outside premises.

Financial and human resource implications: The legislation will increase the Council’s statutory duties. To effectively implement and enforce the legislation, the Council will receive grants totalling £38,207 from the department of Health covering the period 31 March 2008. There is a nil impact on the Council’s Revenue Budget.

Project & Risk Management: None

Key Decision Status

- **Financial:** N/A
- **Ward:** All

Other Ward Implications: None

1. INTRODUCTION

1.1 The “Smokefree” provisions of the Health Act 2006 have now been finalised and will come into effect on 1 July 2007. The legislation will make virtually all enclosed public places and workplaces smokefree. Copeland Borough Council will be responsible for enforcing the

legislation in approximately 2500 premises. The function of implementing and enforcing the legislation will rest with the Council's Environmental Health Section.

2. ARGUMENT

- 2.1 The Department of Health has stated that "the approach to enforcement will be non-confrontational, focused on raising awareness and understanding to ensure compliance, and enforcement officers are expected to work closely with businesses to build compliance through education, advice and support before the legislation comes into force. Enforcement inspections should be based on risk and, where possible, combined with other regulatory inspections to reduce burdens on business."
- 2.2 To achieve effective administration and enforcement of the new legislation additional resources will be required. Fortunately, the Government has recognised this need for additional resources and the Department of Health and the Local Government Association have agreed on a funding package for local authorities. This Council is to receive £6495 for the current financial year and £31,712 for the forthcoming financial year. There is no indication of additional grant funding being received beyond 2007/2008. It is thought that after the first year the legislation will be largely self enforcing though there will inevitably be an amount of additional work to respond to complaints and provide advice which will need to be carried out within existing resources and which will have an impact on other duties.

3. OPTIONS TO BE CONSIDERED

- 3.1 To ensure the legislation is administered and enforced effectively it is proposed that the Government funding is used to employ additional staff resources. Discussions have been held with Allerdale Borough Council and the following arrangement is proposed: Allerdale BC will employ 2 FTE Smoke Free Enforcement Officers on a 1 year fixed term contract and Copeland BC will fund and receive the services of 0.5 FTE. These officers will visit businesses throughout Allerdale and Copeland to raise awareness and understanding of the legislation before it comes into force and to respond to enquiries and complaints and to generally enforce the legislation when it comes into force. A job description has been drawn up by Allerdale BC and it meets with approval by your officers. The cost to Copeland BC of funding 0.5 FTE will be about £10600 (including oncosts, travelling expenses, etc) thus leaving about £27600 to be spent in other ways.
- 3.2 One option would be for Copeland BC to employ 1 full-time Smoke Free Enforcement Officer but this is not favoured for various reasons, the principal one being that if the officer was to be absent from duty for any reason, including leave and sickness, the Council would be without any readily available resource to deal with smokefree matters. The proposed shared arrangement with Allerdale BC offers flexibility.
- 3.3 It is also proposed to use existing staff within the Environmental Health Section on smokefree enforcement duties to achieve maximum efficiency and flexibility of the use of resources but, of course, this will impact on their existing duties and this is where the use of the remaining £27600 or so referred to at 3.1 above comes in. It is proposed to use most of the £27600 or so to buy in external contract staff to carry out those planned food safety and health & safety inspections which will not be carried out by Copeland BC staff because they will be involved in smokefree enforcement work. A small part of the £27600 or so will be spent in other ways, e.g to fund out-of-hours visits and awareness raising events such as drop-in workshops for businesses, business sector meetings and presentations and to produce publicity and guidance material.

- 3.4 It is most unlikely that all of the £6495 received in respect of the current year will be spent so it is recommended that approval be granted for any unspent money to be carried over into the next financial year.

4 CONCLUSIONS

- 4.1 It is estimated that the smokefree legislation will save thousands of lives over the next decade by reducing the amount of second-hand smoke in enclosed public places and workplaces and will provide a more supportive environment for those who want to quit smoking. The work of administering and enforcing the legislation will be part of the Council's involvement in initiatives relating to healthy and safe communities. It is important that the Council is sufficiently resourced to administer and enforce the legislation and that the 2500 or so businesses in Copeland are provided with the necessary support, advice and guidance to assist them in complying with it. The successful administration and enforcement of the legislation will be a significant challenge for the Council and will require an integrated approach involving a number of Council departments and external partners.

List of Appendices

None

List of Background Documents: None

List of Consultees: Corporate Team, Cllr G Blackwell (Portfolio Holder – Health and Diversity)