
REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES	AGENDA ITEM: 8
DATE OF MEETING:	8th March 2007	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPENPARAGRAPH NO:
MEMBERS' CONTACT POINT:	Carl Jacobs 595717	DOC:
SUBJECT:	Implementing The Health Act 2006: Smoke Free Legislation	REF: U/commrepots/Smoke free legislation.doc
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: ES13

1.0 Recommendations

- 1.1 That Members confirm the funding, supplied by the Department of Health for the specific purpose of implementing the Smoke Free Legislation (The Health Act 2006), be allocated to Environmental Services to be used for that purpose, in accordance with the proposals contained in sections 4 and 5 of this report.

2.0 Purpose of Report

- 2.1 To inform members of the smoke free legislation which comes into force on the 1st July 2007, and outline the additional funding provisions provided by the Department of Health in order to enforce the provisions of the legislation.

3.0 Detail

- 3.1 The smoke free provisions of the Health Act 2006 (HA 2006) will come into force on the 1st July 2007. The Government has proposed that first tier Local Authorities (SDDC) will be enforcement authorities for the new laws.
- 3.2 The HA 2006 makes provision for prohibiting smoking in certain premises, place and vehicles. The smoke free legislation will make virtually all enclosed public spaces and work places smoke free.
- 3.3 The implementation of the new legislation offers a significant opportunity to promote healthier lifestyles and particularly smoking cessation. The Department of Health is making funding available to support Local Authorities to undertake the new work, for such activities as training, promotional material, guidance and enforcement
- 3.4 The Department of Health wishes the approach to enforcement to be non-confrontational, focused on raising awareness and understanding to ensure compliance. Enforcement officers will work closely with business to build compliance through education, advice and support before the legislation comes into force. The use, where possible, of officers that are already known to local businesses through other enforcement activity, will be a significant asset in the effective provision of information and education. The Council will have enforcement

responsibilities for smoke free premises (estimated at 3000 in South Derbyshire) and work vehicles in the South Derbyshire District.

- 3.5 The Department of Health is preparing a range of supporting resources for local authorities, to prepare for the implementation of smoke free legislation, which as yet is not available.
- 3.6 In order to successfully implement this legislation it will be necessary to develop a full database of premises and businesses affected by the Regulations (still not yet out), publicity and promotion prior to the introduction of the Regulation on 1st July 2007. Full support must be offered to businesses and others affected by the Regulations during the introductory period and, following the introduction on the 1st July 2007, the Council's enforcement response will have to be coordinated and staffed.

4.0 Proposals

- 4.1 It is proposed to undertake a degree of joint working / funding with the Primary Care Trust in regard to the employment on a temporary basis of a Tobacco Control Worker (Workplaces). This person will visit local business to introduce the new legislation and to assist workplace staff to stop smoking. However this person will cover 3 local authority areas in Derbyshire, so their effect will have limit. Furthermore the 3 authorities are only in early negotiations with the PCT regarding the possible funding of this person.
- 4.2 In order to visit as many premises as we can prior to end of June 2007, we intend to employ a Technical Officer on a fixed term contract, who will visit all of the high risk premises that will not normally be covered by other officers during their normal daily duties. The officer will determine the degree of compliance and to assist and give advice where necessary prior to the legislation coming in. After the 1st July 2007, either by telephone or in person.
- 4.3 After the legislation comes into force it is proposed that both day time and night inspections will be undertaken by both enforcement officers and the technical officer to determine compliance on a risk basis and following complaints received from members of the public. It is proposed that we allocate a sum of money in order to pay officers overtime for the specific inspections at night so as not to disrupt the normal running of the sections.

5.0 Financial Implications

- 5.1 Money allocation from the Department of Health are indicated below

Year	Grant Amount
2006-7	£7437 to be paid before 31 st March 2007
2007-8	£36,709 to be paid before 30 th April 2007

5.2 Expenditure

It is proposed to:

5.2.1 Carry the funding from 2006-7 into the 2007-8 budgetary year.

5.2.2 Allocate £10,000 for joint working with PCT for the Tobacco Control Worker

5.2.3 Appoint an officer to make contact with Businesses, establish training and accompany individual enforcement officers for the purpose of confirmation of evidence, liaise with the Tobacco Control Worker etc. Salary suggested Scale 3 (to include working at night where necessary) at a cost of £14,787 + on costs.

5.2.4 An allocation of £5000 be made for overtime payments for enforcement officers activities, necessary at night.

5.2.5 An allocation of £4000 for printing, computer updating and soft ware, training of staff publicity etc

Activity	Cost
Funding for Tobacco Control Worker (if agreement made estimated)	£10,000
Technical Assistant (12 MONTH CONTRACT)	£14,787
On costs	£4140
Overtime payment (if necessary)	£5000
Publicity, printing, training	£4000
Total Cost	£37,927

6.0 Corporate Implications

- 6.1 Specific funding has been allocated to the Council to implement this legislation, indicating the importance that the Department of Health attaches to its success. The smooth and successful introduction of the Regulations will help the Council to protect and improve the safety and health of its residents and visitors and will build on its reputation for successful delivery of Central Government's legislative agenda.

7.0 Community Implications

- 7.1 The cessation of smoking legislation is the most significant Public Health Issue since the Clean Air Act 1963, which will reduce the incidents of avoidable deaths within the South Derbyshire area.