

**Subject:** Implementation Of Smokefree Legislation

**Status:** For Publication

**Report to:** Cabinet

**Date:** 24<sup>th</sup> January 2007

**Report of:** Head Of Service, Street Scene And Liveability

**Portfolio**

**Holder:** Cabinet Member For Street Scene And Liveability

**Key Decision:**

YES

Forward Plan

General Exception

Special Urgency

**1. PURPOSE OF REPORT**

- 1.1 To set out and obtain approval for the strategy by which legislation will be implemented to establish Smokefree indoor environments.

**2. CORPORATE PRIORITIES**

- 2.1 The matters discussed in this report are linked to and support the following corporate priorities:

- *Improving the health and well-being across the Borough and reducing health inequalities*
- *Keeping our Borough clean and green.*

**3. RISK ASSESSMENT IMPLICATIONS**

- 3.1 Rossendale Borough Council has a duty to implement the legislation in respect of the premises it owns or occupies. The Council's Policy is currently being revised.

**4. BACKGROUND AND OPTIONS**

- 4.1 Existing and proposed legislation is outlined in the attached report. This Authority has a duty to enforce the legislation by virtue of Section 10(3) of the Health Act 2006. The attached strategy describes how the Environmental Health Service proposes to undertake this task and ensure compliance within the timescale.

**5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES**

- 5.1 The costs of implementation are described in the attached report. It is anticipated that the Department of Health grant will be sufficient to fully cover the costs of enforcement within Rossendale. Additional costs may be incurred

in relation to some Council services which are affected by the legislation. These impacts are outlined in Paragraph 7.2.3 of the attached report. It is difficult to predict the extent of these additional costs at this stage.

## 6. COMMENTS OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

- 6.1 The implications for Legal Services inasmuch of the new legislation will create new offences which will be our duty to enforce and which can in some circumstances be punishable with a fixed penalty notice.

## 7. COMMENTS OF THE HEAD OF HUMAN RESOURCES

- 7.1 The new legislation will require the Council to develop an effect policy in relation to smoking. This policy is in the process of being formulated and will be subject to consultation with Trade Unions and Employees

## 8. CONCLUSION

- 8.1 This Authority has a duty to implement the provisions of the Health Act 2006 and supporting Regulations by 1<sup>st</sup> July 2007. The strategy outlined in the attached report proposes means by which implementation will be achieved.

## 9. RECOMMENDATION(S)

- 9.1 That the attached report be considered by the Overview and Scrutiny Task group and, if approved, forwarded to Cabinet for their consideration.

## 10. CONSULTATION CARRIED OUT

- 10.1 The strategy has been drawn up after consultation with the East Lancashire Public Health Network, following attendance by the author at a seminar for service planners held in Manchester on 5<sup>th</sup> December 2006 held by the Department of Health and following discussion with colleagues on the legislation and its likely impact.

<b>Contact Officer</b>	
Name	Philip Mepham
Position	Interim manager, Environmental Health
Service / Team	Street Scene and Liveability
Telephone	01706 252566
Email address	philipmepham@rossendalebc.gov.uk

Background Papers	
Document	Place of Inspection
Health Act 2006 The Smoke-free (Premises and Enforcement) Regulations 2006 Regulatory Impact assessment on the introduction of Smokefree legislation	Stubbylee Hall