

WYRE FOREST DISTRICT COUNCIL

CABINET
26TH APRIL 2007

The Health Act 2006 (Smoking Regulations) – Delegated Powers

OPEN	
COMMUNITY STRATEGY THEME	Improved Health & Wellbeing
CORPORATE PLAN THEME	Enabling Community Wellbeing
KEY PRIORITY	Public Health
CABINET MEMBER	Cllr Anne Hingley
HEAD OF SERVICE	Head of Planning, Health & Environment
CONTACT OFFICER	Mark Kay - Ext 2580 Mark.Kay@wyreforestdc.gov.uk
APPENDICES	None

1. PURPOSE OF REPORT

- 1.1 To report on changes in legislation which will require Delegated powers being granted to the Head of Planning, Health and Environment, and the Environmental Health and Licensing Manager.

2. RECOMMENDATION

The Cabinet is asked to RECOMMEND to Council:

- 2.1 **The Head of Planning, Health and Environment, and the Environmental Health and Licensing Manager be granted delegated powers under the following legislation:**

Health Act 2006, and all regulations made under the Act including:

- **The Smoke-free (Premises and Enforcement) Regulations 2006**
- **The Smoke-free (Signs) Regulations 2007**
- **The Smoke-free (Exemptions and Vehicles) Regulations 2007**
- **The Smoke-free (Penalties and Discounted Amounts) Regulations 2007**

- **The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007.**

2.2 The Head of Legal & Democratic Services, the Head of Planning, Health & Environment and the Environmental Health & Licensing Manager, or any duly qualified officers who are authorised in writing by them to act as proper officer, to:

- a) Sign and service Notices including Fixed Penalty Notices**
- b) Sign and issue Licences, Permits, Orders and other documents**
- c) Execute works in default**
- d) Procure samples, seize equipment, goods and animals**
- e) Exercise powers of entry**
- f) Engage specialist advisors/contractors**
- g) Institute legal proceedings**

falling within the power and duties which the Council is authorised to exercise under the above legislation and any replacement legislation.

3. BACKGROUND

- 3.1 England is going smoke-free on 1st July 2007 under The Health Act 2006 (Smoking Regulations) and smoking will be prohibited in all enclosed public places, workplaces and vehicles used for work.
- 3.2 Enforcement will be the responsibility of the Council and the above legislation forms the framework for policing the new regime.
- 3.3 This matter was considered and agreed by Licensing & Environmental Committee at its meeting on 2nd April 2007.

4. KEY ISSUES

- 4.1 The legislation will prohibit smoking in the workplace and enclosed public places and will need to be enforced.
- 4.2 Smoke free offences are:
 - Smoking in a smokefree place
 - Failing to display adequate no-smoking signs
 - Failing to prevent smoking in a smokefree place
- 4.3 Associated Issues:
 - Noise

- Shelters – requiring planning and licensing consent and building control
 - Fire safety
 - Health promotion
- 4.4 Smoking offences can be dealt with by verbal advice, written warning or formal prosecution via fixed penalty notice.

5. FINANCIAL IMPLICATIONS

- 5.1 Funding for the introduction and enforcement has been provided by Central Government.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Council has a duty to enforce the regulations and these delegated powers will allow officers to do this more efficiently.

7. CONCLUSION

- 7.1 The approval of these delegated powers is necessary for the efficient delivery of the service.

8. CONSULTEES

- 8.1 Head of Legal and Democratic Services

9. BACKGROUND PAPERS

- 9.1 Health Act 2006 (Smoking Regulations)

12th March 2007

Cabinet 26/04/07