

**WYRE FOREST DISTRICT COUNCIL****CABINET  
25th SEPTEMBER 2008****Smoke Free – The First 12 Months**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME</b>	<b>Communities that are safe and feel safe</b>
<b>CORPORATE PLAN THEME:</b>	<b>A Better Quality of Life</b>
<b>KEY PRIORITY:</b>	<b>Public Health</b>
<b>CABINET MEMBER:</b>	<b>Cllr Anne Hingley</b>
<b>RESPONSIBLE OFFICER:</b>	<b>Head of Planning, Health &amp; Environment</b>
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<b>APPENDICES</b>	<b>None</b>

**1. PURPOSE OF REPORT**

- 1.1 A review of the first 12 months of the Smoke Free Legislation including a summary of activity.

**2. RECOMMENDATION****2.1 The Cabinet is asked to DECIDE to:**

**agree the enforcement proposals as set out in paragraphs 4.16-4.18 of this report.**

**3. BACKGROUND**

- 3.1 The purpose of the Smoke Free Legislation (based on the Health Act 2006) was to make enclosed workplaces and public areas 'Smoke free' and provide protection from a range of medical conditions. This is because exposure to second hand smoke can increase the risk of a non-smoker developing lung cancer and heart disease by 25%, and in the short term (30 minutes), the blood becomes stickier and increases the risk of blood clots and stroke.
- 3.2 There are over 5 million people in the UK that suffer from asthma and 80% find that second hand smoke can trigger an attack.
- 3.3 Second hand smoke is a serious health hazard, and there is not safe level of exposure. Every breath of second hand smoke contains over 4,000 chemicals, many highly toxic (e.g. Arsenic, Ammonia, Toluene, Cyanide, etc). More than 50 are known to cause cancer.
- 3.4 85% of second hand smoke is invisible and odourless.

- 3.5 Scientific evidence also shows that ventilation does not eliminate the risk of health of second hand smoke in enclosed places. The only way to provide effective protection is to prevent people breathing in the smoke in the first place.
- 3.6 It is estimated that over the next decade thousands of lives will be saved and it will help create healthier and cleaner environment for everyone to work in or visit.
- 3.7 The Government's objectives for delivering smoke free legislation were to:
- Reduce the risks to health from exposure of second hand smoke;
  - Recognise a person's right to be protected from harm and enjoy smoke free air;
  - Increase the benefits of smoke free enclosed places and workplaces for people trying to give up smoking so they can succeed in an environment where social pressures to smoke are reduced; and
  - Save thousands of lives over the next decade (and foreseeable future) by reducing both exposures to hazardous second-hand smoke and overall smoking rates.
- 3.8 1<sup>st</sup> July 2007 the new legislation came into force.
- 3.9 Prior to this:
- All business in England received an information pack containing guidelines on the new legislation and no-smoking signs for business use.
  - A national publicity campaign was undertaken to inform the public and businesses about how the legislation will affect them.
  - Locally, Wyre Forest District Council (WFDC) with the Wyre radio station, The Kidderminster Times & Shuttle and The Chronicle reinforced this message with questions and answers on the WFDC website and a link to [smokefreeengland.co.uk](http://smokefreeengland.co.uk), 'countdown to smoke free' advertisements, featured spreads giving further guidance and information on the smoke free legislation to build compliance.

#### **4. KEY ISSUES**

- 4.1 Wyre Forest District Council choose, in the first stages, to target the businesses with the highest 'foot-fall' (West Midlands Safari Park, Severn Valley Railway) and ensure that correct visible signage would be 'self advertising' and raise further awareness.
- 4.2 The Smoke free Enforcement Assistant ensured that the local smoke free policies management controls were correct and in place, that staff awareness and understanding of the legislation was suitable to ensure that they would be able to effectively deal with and/or report any possible breaches of the new law.
- 4.3 From 1 July 2007 to 31 December 2007 over half of the Wyre Forest District Council's 4,000 business premises have received a visit from the smoke free enforcement assistant. From January 2008 – June 2008 a further 300 premises have been visited. These would mainly be to ascertain compliance with smoke free in two key areas.
- Correct smoke free signage displayed in a correct manner.
  - Compliance with the smoke free legislation within an enclosed area.

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- 4.4 Local pubs and clubs have stated a 'lull' in business at the end of the year, stating that the 'Smoking ban' is solely to blame. However, other factors should be taken into consideration;
- Poor weather.
  - The Global 'Credit – Crunch'.
  - The availability of less expensive alcoholic beverages from retail outlets.
  - Rises in domestic and commercial utility charges.
- 4.5 Although publicly opposing the legislation most Landlords and club owners have been pleased with the change in environmental conditions since 1st July 2007.
- 4.6 86% of businesses felt the implementation of the new law had gone well and 78% said it was a 'good idea'.
- 4.7 The top three benefits people had noticed since England became smoke free were;
1. Clothes and hair don't smell of smoke after visiting a pub or club.
  2. More pleasant or better atmosphere in pubs, clubs and/or restaurants; and
  3. Cleaner air.
- 4.8 The local and national media coverage regarding the implementation, content and enforcement of the Smoke free legislation, was an extremely powerful and effective tool that assisted local authorities achieve maximum penetration into the public awareness.
- 4.9 Although public support for the legislation was fairly high, 79% percent of adults believe it will have a positive effect on public health and 47% of smokers support the new law while 37% opposed, it would have proved a lot more of a difficult task without that national and local media coverage.

### **Summary of complaints and enquiries over first 12 months**

- 4.10 There have been 59 complaints received resulting 0 (zero) fixed penalty fines and 3 warning letters.
- 4.11 Over the same period there were a further 279 enquiries received, regarding various issues relating to Smoke free as diverse as Planning permission, tenants' agreements and driving offences.
- 4.12 The majority of these complaints and enquiries were resolved with co-operation from other WFDC departments.
- Noise and Pollution
  - Licensing
  - Planning
  - Street Scene – street cleansing
  - Housing

And through partnership or involvement with other agencies.

- Wyre Forest Community Housing

- Local Publican groups
- Community Support Officers
- Interaction with schools and colleges
- Smoke free Worcestershire
- West Mercia Police
- HM customs and Excise
- Trading Standards
- North Worcestershire PCT
- Hereford and Worcester Fire and Rescue Service

4.13 Many premises were already 'smoke free' with a current suitable non-smoking policy. (E.g. banks, supermarkets, sub-let offices, chemical storage, etc)

4.14 However, these businesses were more likely to be non-compliant of displaying correct signage in a prominent position within a premise or fleet vehicles.

**4.15 Summary of Inspections**

July – June (cumulative)\*

Premises Compliance

	Total number inspected	Identified as compliant – no smoking		Identified as compliant signage	
		Number	%	Number	%
WFDC	2364	2364	100	2100	89
W. Mids	38023	37464	98.59	33004	86.8
England	502435	493360	98.2	442763	88.1

Over the next 6 months

4.16 There is now an opportunity to assist people to access ongoing smoking cessation services. Officers are currently starting to liaise with Primary Care Services Smoking Cessation Officers, through the Local Strategic partnership, to make an effective link from work environment to those opportunities.

4.17 In conjunction with Peter Hill (Tobacco Control Alliance) assisting larger businesses employees to encourage healthier and more sensible lifestyle for their employees through the Heart Smart Award.

4.18 Further to this, inspections and visits will continue to businesses within Wyre Forest District, and will focus on vehicle compliance, pubs night-clubs and small businesses with a commitment to advise people rather than punish them.

Vehicle Compliance

	Total number inspected	Identified compliant – as no		Identified compliant as -	
		Number	%	Number	%
WFDC	351	349	99	272	77
W. Mids	4039	3967	98.2	3967	91.5
England	72441	71119	98.2	66248	91.5

**5. FINANCIAL IMPLICATIONS**

- 5.1 In order to carry out the implementation of the Smoking Regulations, the Council, as did all Councils, received a direct grant of £49,876 specifically for this purpose. The Council spent £26,072 of this on a 12 month temporary contract which came to an end in July 2008. The Council will continue to enforce the Regulations from existing resources and will call on the remainder of the unallocated grant if required.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 There are no legal or policy implications relating to this report.

**7. RISK MANAGEMENT**

- 7.1 There are no Risk Management issues relating to this report.

**8. CONCLUSION**

- 8.1 A high level of compliance has been achieved due to the high profile media coverage and supportive literature made readily available to the public. With the 'educational and guidance' attitude from WFDC it meant that we remained approachable to the public and business owners without fear of litigation and ensured the legislation was enforced in a positive manner.

**9. CONSULTEES**

- 9.1 None

**10. BACKGROUND PAPERS**

- 10.1 None

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