

## Agenda Item 20

**Executive Board**

**6 June 2007**

**SS/smep**



### **Health Act 2006 and Smoke Free legislation**

#### **Summary**

The Health Act 2006 which comes in to force on 1 July 2007, makes it an offence to smoke in all enclosed public spaces. The Council will be the enforcing authority for the Act and policies have been prepared outlining how this enforcement obligation will be carried out and the approach the Council will take to smoking on its own land.

The approach to enforcement will be very much based on help and guidance to businesses, with formal proceedings implemented only as a last resort.

#### **Recommendation**

**That the Smoke-Free Enforcement Policy and No Smoking Policies be adopted.**

#### **a) Reasons for Recommendation**

To enable the Council to fulfil its statutory obligations.

#### **b) Alternative Options**

There is no option but to have an enforcement policy.

The Council's policy could reflect legal minimum obligations only. However Members will want to consider the Council's role as enforcing authority and taking a lead on this issue

#### **c) Risk Considerations**

None

#### **d) Policy and Budgetary Considerations**

##### **Positive Impact Overall**

Crime and disorder issues

Meeting a Legal duty

Improve satisfaction with East Devon as a place to live, or with EDDC Services

Increased satisfaction with parks, open spaces, public places, litter

Increasing Joint Service Delivery

##### **Potential Negative Impact**

Environmental Sustainability

The costs associated with the introduction of this legislation have been budgeted for and met by Government grant.

#### **e) Date for Review of Decision**

-

---

## **1 Main Body of the Report**

On 1 July 2007 the Health Act 2006 comes into effect. It will be an offence to smoke in substantially enclosed premises which are open to the public and also to shared workplaces. Details on the premises to which the Act applies, the obligations relating to signage etc and penalties for non-compliance are contained in various sets of new regulations.

The Council will be the enforcing authority for the Act and plans are being put in place to manage its implementation. As part of this process new policies need to be adopted.

### **i) Enforcement Policy**

Appendix 1 outlines a proposed enforcement policy which will be supported by detailed procedural guidance for enforcement officers. There is bound to be confusion amongst businesses about elements of the new requirements and the whole thrust of our approach will be help and guidance. I do not anticipate the need for significant formal enforcement and this will only be embarked upon when all informal advisory and persuasive channels have been exhausted.

### **ii) No Smoking Policy**

In the light of the new legislation it is also appropriate to review the Council's own no-smoking policy. It is felt that as an enforcing authority it is important for the Council to set an example and take a lead on setting standards which go beyond the legal minimum.

A revised policy is reproduced as Appendix 2 and, in essence, extends the ban on smoking for staff, Members and visitors on Council business to include all grounds and areas in the ownership of the Council.

---

## **Legal Implications**

Following adoption of the policies, continued liaison with Legal Services will be necessary as the enforcement options.

## **Financial Implications**

A Central Government grant has been received to meet any "start up" costs associated with this policy.

## **Consultation on Reports to the Executive**

-

## **Background Papers**

-

---

Simon Smale – Extension 2652  
Head of Environmental Health & Health Equalities

Executive Board  
6 June 2007