

HEALTH ACT 2006.

(Report by Head of Environmental and Community Health Services)

1. INTRODUCTION

- 1.1 The purpose of this report is to seek Members' approval for the release of funding allocated by the Department of Health to undertake the implementation and enforcement of the Health Act 2006 and associated regulations with regards to smoke free legislation.

2. BACKGROUND INFORMATION

- 2.1 The smoke free provisions of the Health Act 2006 (smoke free legislation) will come into force on 1 July 2007 when virtually all enclosed public places and workplaces (including vehicles) in England will become smoke free. It is seen as a significant piece of Public Health legislation and has received considerable public support.

- 2.2 The aim of the legislation is to reduce the risks to health from exposure to second-hand smoke, recognise a person's right to be protected from harm and enjoy smoke free air, and provide an environment where people are more likely to succeed in giving up smoking. It is also expected to save thousands of lives over the next decade by reducing both exposure to hazardous second-hand smoke and overall smoking rates.

- 2.3 The Government has proposed that first-tier local authorities will be the enforcement authorities for the new regulations. For this Council the relevant duties will be carried out by the Environmental and Community Health Services Division.

- 2.4 The Department of Health and Local Government Association have agreed a funding package to support local authorities undertake this new work and wrote to all Chief Executives on 21 December 2006 in the form of a Local Authority Circular, LAC (2006)17, confirming that grants will

be paid under section 31 of the Local Government Act 2003 as a specific formula grant with no conditions attached.

- 2.5 The Council has been allocated a total of £80,431. The majority of this grant, £66,852, will be payable on or before 30 April 2007 for 2007/8 (the first year of smoke free legislation). However in recognition that authorities have already commenced preparations and spent resources, £13,578 of the grant was released in February 2006. It is not expected that the funding will be continued after the 2007/8 financial year.
- 2.6 The Regional Director of Public Health for the East of England (Strategic Health Authority) has identified tobacco control as a priority for the Region and identifies the key role that local authorities have in improving health and reducing health inequalities by the successful and effective implementation of smoke free legislation. Local Authorities will also be expected to demonstrate to the Government Offices for the East of England how the funding allocation will be used to support smoke free legislation.

3. IMPLEMENTATION

- 3.1 In order to ensure the successful implementation of the new smoke free legislation significant preparatory work including both a comprehensive programme of education and an enforcement framework will be required. There is a need for a local publicity campaign, development and management of a database of premises likely to be affected by the changes and preparation of an inspection programme, which all needs to be done before undertaking practical inspections and enforcement work.
- 3.2 It is estimated in Huntingdonshire that over 4,200 premises and 500 vehicles will be covered by the scope of the regulations. Experience from local authorities in Scotland and Ireland has demonstrated that in the lead up to and during the first year of the legislation considerable resources were required to ensure that businesses, employees and members of the public were fully aware of the implications of the new regulations and that they were effectively implemented and enforced. It is in recognition of this that the Department of Health has made resources available to all local authorities in England. It is anticipated

that initial demand for advice will be heavy but will drop away with time, hence funding is on a temporary basis.

- 3.3 Successful implementation of the new legislation will assist the Council in meeting its corporate aims as identified in Growing Success and the associated community aim of Healthy Living by protecting the health of individuals and promoting healthy lifestyle choices by discouraging smoking in public places. It will also support the Community Strategy aim of a healthy population and healthy living by supporting tobacco control and the Strategic Health Authority's strategy for tobacco control in the East of England.
- 3.4 The new legislation and release of funding also provides significant opportunities to further joint working with partner organisations such as the Cambridgeshire PCT and Smoke Free Cambridgeshire and Peterborough (Smoke Free Alliance) on smoking cessation and healthy living. It will also strengthen Huntingdonshire's role within the Cambridgeshire and Peterborough Smoke Free Alliance.
- 3.5 It is anticipated that the legislation will also have an impact on other areas of the Council's service delivery such as planning and building control (applications for smoking shelters), licensing, litter and street cleaning (where smokers congregate outside venues), neighbourhood intervention and community safety (chance of increased late night noise and disturbance outside clubs and public houses where smokers congregate outside), and technical services (street furniture and obstruction of footpaths).

4.0 CURRENT POSITION

- 4.1 Current staffing and resources are not sufficient to ensure that the new legislation will be effectively implemented and enforced. Within existing resources a limited number of activities have taken place to support the lead in to the implementation of the new legislation. These have primarily been carried out by the Lifestyles Manager and include:

- ◆ Information on new regulations placed on Council website
- ◆ Information for businesses included in departmental newsletters
- ◆ Article prepared for March edition of District Wide

- ◆ Attendance at Government training and briefing sessions
- ◆ In-house awareness sessions run for key service managers and environmental health staff
- ◆ Portfolio holder briefing
- ◆ Regular liaison with Smoke Free Cambridgeshire and Peterborough and Cambridgeshire PCT

4.2 In November 2006 Members agreed the release of £17,000 MTP funding as from 1 April 2007 for a 0.5 FTE Environmental Health Officer. The primary role of the post is to focus on Food Safety duties. However part of the post holder's remit will be to lead on the implementation of the smoke free legislation and develop the Council's strategy in relation to education and enforcement. It was envisaged this post would oversee the effective utilisation of the full funding allocated by the Department of Health.

5 PROPOSALS

5.1 It is proposed that the Department of Health total allocation of £80,431 be released to enable the following actions and activities to take place:

- ◆ **Employment of a fulltime Smoking Implementation Officer** for a fixed period of one year (Grade 9/10). Post holder will provide support, guidance and advice to businesses during lead in period as well as carrying out inspections, investigating complaints and where appropriate conducting surveillance and issuing fixed penalty tickets. Ensuring that businesses and employees are fully aware of their legal responsibilities will be critical to ensuring the successful implementation of the new regulations. It is anticipated that a significant part of the enforcement duties will take place during unsociable hours. The post holder will also be expected to give briefings and talks to local business groups and work closely with other local authority service providers, health partners and local media. It is also expected that the post holder will be able to carry out other educational and regulatory duties within the department to ensure efficiency and promote effective enforcement.

Salary plus on costs including NI, pension, car allowance etc

£30,200 - £35,200

- ◆ **Consultant fees and overtime payments.** Based on the experience of local authorities in Scotland and Ireland it is anticipated that a significant number of premises within the district (up to 800) will be classed as 'high risk ' and will require targeted educational and enforcement visits particularly in the weeks either side of the 1 July implementation date. Additional staff resources will be required to achieve these visits and therefore it is proposed that existing Environmental Health Enforcement Officers within the Lifestyles section be allocated this work and consultants employed to backfill their food and health and safety inspection duties for a limited period. As some of the visits and response to complaints will have to be carried out during unsociable hours, overtime payments will be required

Consultant fees and overtime payments **£11,000**

- ◆ **Publicity and media campaign.** The development of a publicity strategy will be essential to support the implementation of the new regulations. Communication mapping with the Department of Health, NHS partners, Regional Government and Smoke Free Cambridgeshire and Peterborough (Smoke Free Alliance) will be an integral part of the Council's publicity strategy to ensure that the various bodies' promotional work in Huntingdonshire is co-ordinated. Funding will be required for design, printing, postage, web design, road shows and media training. Both the legislation and the funding arrangements will be heavily publicised with stakeholders

Allocation of **£10,000**

- ◆ **Partnership work with Cambridgeshire PCT** (Camquit stop smoking services) and the Smoke Free Cambridgeshire and Peterborough (Smoke Free Alliance) to promote smoking cessation within the local workforce and other target groups. Funding will be used to commission Camquit to deliver training and support for local businesses to enable employers to run smoking cessation classes for their employees. Higher level training will

enable workplaces to deliver their own in-house smoking cessation classes thereby ensuring sustainability of the scheme. Workplaces with a high proportion of staff who live in areas of health inequalities will be targeted as a priority. It is anticipated that up to 24 stop smoking advisors will be trained and will work with local businesses across Huntingdonshire. Existing local business networks and partnerships will be involved in this process to assist in maximising the potential benefits. This proposal will support the Council's aims of Healthy Living and a Strong and Diverse Economy by supporting the improvement of access to training and development activities and promoting a healthy workforce.

Allocation of **£24,000**

6. RECOMMENDATIONS

- 6.1 It is RECOMMENDED that members agree to the release of funding from the £80,431, allocated by the Department of Health to support the Council in implementing and enforcing the provisions of the Health Act 2006 and associated smoke free regulations, for the following activities;
 - 6.1.1 Release £35,000 to cover the Employment of a Smoking Implementation Officer. (12-month fixed term. Grade 9/10);
 - 6.1.2 Release £11,000 towards Consultant and Overtime payments;
 - 6.1.3 Release £10,000 to fund a publicity and media campaign; and
 - 6.1.4 Release £24,000 to contribute to partnership working for additional workplace smoking cessation and training services.

BACKGROUND INFORMATION

Health Act 2006 and associated Regulations
Department of Health Local Authority Circular. LAC (2006)17
Regional Director of Public Health, East of England Strategic Health Authority Report. 'Tobacco Control in the East of England' (16/11/06)
Draft Job Description. Smoking Implementation Officer

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