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## Meeting of the Executive Member For Neighbourhood Services and Advisory Panel

4<sup>th</sup> September 2008

Report of the Director of Neighbourhood Services

### Smokefree Legislation Update

#### Summary

1. The implementation of the smokefree legislation was the subject to a report brought to the Executive Member for Neighbourhood Services Advisory Panel and approved on 7 June 2007.
2. The purpose of this report is to provide an update to Members on how smokefree legislation has been implemented in the City of York Council area.

#### Background

3. On 1 July 2007 England became smokefree. The legislation was primarily introduced to protect the health and safety of employees; second hand smoke was causing the death for 600 employees every year.
4. Responsibility for implementing smokefree was assigned to local authorities, who were given one-off grant funding by the Department of Health (DoH) to assist with the implementation of the legislation. The City of York Council grant was £93,756.

#### Implementing smokefree

5. Part of the DoH grant was used to employ two smokefree enforcement officers on one year temporary contracts (the last post finished on 29 May 2008).
6. Their initial task was to raise awareness and understanding of the smokefree legislation, particularly in the business sector. Prior to the commencement date of the legislation on 1 July 2007, the officers visited 735 premises in York to give advice and information on the requirements of smokefree.
7. A smokefree marketing plan was developed with assistance from the internal marketing and communications team. This plan included the following:
  - An advert for local radio was commissioned
  - Adverts were placed in relevant local publications
  - Press releases were issued to the local media and trade publications

- Information was placed on the City of York Council web site
  - Public displays were set up in the town centre, including use of the smokefree bus in the Parliament Street area.
8. There was a great deal of partnership working, involving external agencies such as the Primary Care Trust, and internal sections such as planning, building control, licensing and street environment.
  9. Although the council was already a smokefree organisation, the smokefree legislation meant the existing policies and procedures needed reviewing. Officers worked with human resources to ensure the new documentation was legally correct.

### **Inspections and enforcement**

10. To achieve a transparent and consistent approach to implementation of the legislation, an enforcement policy was agreed with other local authorities in North Yorkshire. This was approved by Members in the report presented on 7 June 2007.
11. One of the main tasks of the smokefree officers after 1 July was to visit premises to verify compliance with the legislation and provide advice where required. This resulted in over 3,000 visits to nearly 2,000 premises.
12. Officers found a high level of compliance after 1 July. Although occasional non-compliances were discovered, such as inappropriate signage or smoking shelters that were considered substantially enclosed, these were mostly dealt with in an informal manner and the necessary corrective action was taken.
13. At the time of writing this report, the council has received 27 complaints about smokefree in connection with public houses. The majority of complaints were from members of the public who had queries about the appropriateness of smoking shelters. Officers dealt with two incidents where landlords were allowing smoking in their premises. These were dealt with in accordance with the agreed enforcement policy. Following receipt of warning letters, no further incidents at the premises concerned are understood to have occurred.
14. The smokefree requirements also apply to taxis, public transport and other commercial vehicles. It is this area that most problems with compliance have been experienced.
15. Reports were received that a number of hackney carriage/private hire drivers were smoking in their taxis between fares, which is not permitted. This was despite a targeted campaign, including information being published in their trade magazine and on the trade web site. A decision was made to individually write to all drivers and issue them with a final warning in accordance with the enforcement policy.
16. Some drivers have still been witnessed smoking in their vehicles. This has resulted in 12 fixed penalty notices being issued.

17. Other areas of non-compliance includes individuals smoking in the Rougier Street bus shelter and the portico at York Railway Station. The problems at Rougier Street seem to have been largely overcome through the provision of prominent signage. There are still occasional breaches at York Railway Station and the matter has been raised with the management at the premises.

### **Compliance levels**

18. Since 1 July 2007, smokefree data has been provided to the DoH on a quarterly basis. This has consistently shown high levels of compliance.
19. A survey of York premises was undertaken during April and May 2008 to establish the levels of compliance with the smokefree requirements. This resulted in 67 randomly chosen premises being inspected. This survey found that:
  - Compliance rate for smokefree signage was 95%
  - Compliance rate for no smoking was 100%

### **Future regulation**

20. As the above figures show, the introduction of the smokefree legislation has been relatively smooth and trouble free. It now appears to have been accepted as a social norm, and evidence suggests that the legislation is now self regulating.
21. The smokefree officers posts were temporary one year contracts and have both come to an end. Although an occasional complaint is still being received, this work has been incorporated into the existing work load of enforcement officers in the health and safety team.
22. Officers from the licensing team are being trained on the smokefree legislation should any enforcement action by them be required.

### **Consultation**

23. None

### **Options**

24. Not applicable, for information only.

### **Analysis**

25. Not applicable, for information only.

### **Corporate Priorities**

26. The smokefree legislation has the potential to impact upon a number of the council's corporate priorities:

- Improving the condition and appearance of York's streets.
- Reducing the impact of nuisance behaviour.
- Improving the health and lifestyles of York residents.
- Improving the way the Council and its partners work together to deliver better services

## **Implications**

27. The assessment of implications is as follows:

- **Financial:** None
- **Human Resources (HR):** None
- **Equalities:** None
- **Legal:** None
- **Crime and Disorder:** None
- **Information Technology (IT):** None
- **Property:** None
- **Other:** None identified

## **Risk Management**

28. Not applicable

## **Recommendations**

29. That the Advisory Panel advise the Executive Member to note the contents of this report.

Reason: To update the Executive Member on how smokefree legislation has been implemented in the City of York Council area

## Contact Details

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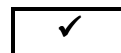
Report Approved

Date 14 July 2008

**Specialist Implications Officer(s):** None

**Wards Affected:**

All



For further information please contact the author of the report

## Background papers

EMAP report "The implementation of smokefree legislation in England" - 7 June 2007