

SMOKEFREE HEREFORDSHIRE

PORTFOLIO RESPONSIBILITY: ENVIRONMENT/CHILDREN & YOUNG PEOPLE

CABINET

22 FEBRUARY 2007

Wards Affected

County-wide

Purpose

To note the changes made by the Health Act 2006 that will mean that from 1st of July 2007 virtually all enclosed public places and workplaces in England will become smokefree, and approve the activities of the Council and its partners in the Smoke free Herefordshire Partnership in ensuring compliance by businesses and the population of Herefordshire.

Key Decision

This is not a Key Decision.

Recommendation

THAT the action plan and funding for raising awareness and enforcement of the Smokefree England legislation be approved.

Reasons

The Health Act 2006 imposes new duties on local authorities to enforce the Act and its regulations. The regulations relating to enclosed public places and workplaces will take effect in July 2007 and every person and every business will be affected. It is imperative that the Council enforce this new piece of legislation, but it is also important that everyone knows about it and is prepared for the changes in order to obtain effective compliance.

Considerations

1. The new legislation follows successful implementation of smokefree legislation in Ireland and Scotland (Wales will go smokefree on 2 April). It is the most important piece of public health legislation since the Clean Air Act of 1956. The Choosing Health White Paper identified stopping smoking as one of the key priorities in improving the population's health and empowering people to chose to live healthier lifestyles. However, although Choosing Health is sometimes seen as an NHS White Paper, this is not the case, and the Paper makes clear that implementation should be done with partners, among whom the local authority is key. The new Smokefree England legislation reinforces the requirement for all

- public health practitioners to work together and to this end the Smokefree Herefordshire Partnership was established in July 2006. The Partnership's first activity was to consult with stakeholders and respond to Government consultation documents related to Smokefree England, the legal age for purchase of tobacco products and the use of picture warnings on tobacco products. The subsequent activity was to plan for proposed changes in the law.
2. The Smokefree Herefordshire Partnership is made up of officers from various divisions within Herefordshire Council, the Herefordshire Primary Care Trust, the Hereford & Worcester Fire and Rescue Service, HM Revenues and Customs, West Mercia Police and representatives from the business and voluntary/community sectors, and operates under the 'umbrella' of the Herefordshire Partnership. Responsibility for the enforcement of the new legislation through the Environment Directorate Environmental health & Trading Standards Division rests with the Cabinet Member for Environment. Given the schools' programmes the Cabinet Member for Children and Young People will also be closely involved in delivering the Council's obligations.
 3. Whilst Smoke free England has the objective of preventing people from working or socialising where they are exposed to second hand smoke, it is also recognised that this law might be a driver for reducing smoking (as has been the case in Scotland and the Republic of Ireland). Reducing smoking is an important priority in improving public health since it remains the biggest single cause of preventable disease and early death in the UK. In Herefordshire, in 2004, coronary heart disease killed 346 people and was the second largest single cause of death; stroke was the third, killing 278 people, and lung cancer the third, killing 83 people. Smokers are at greatly increased risk of each of these "big killers".
 4. Reducing smoking is also important in the context of narrowing the gap between the health of richer and poorer people. Smoking is the primary explanation for the gap in life expectancy between different social groups. In Herefordshire, the health gap in terms of life expectancy between electoral wards varies from 78.2 years in the lowest fifth of wards to 82.2 years in the highest fifth. Mortality data at a smaller level of analysis (Super Output Areas of 1,500 households) shows a standardised mortality ratio of 100 for Herefordshire as a whole, compared with 126 for the South Wye population, in the most deprived part of Hereford City.
 5. Smoking has a negative impact on business and economic health too, through the sickness and absenteeism caused by both actual and second hand (passive) smoking. Second hand smoke is estimated to kill 12,000 people a year in the UK. In the West Midlands, it has recently been calculated that a 1% reduction in the number of smokers across the region would field a net saving of £64.6 million a year for the regional economy. Nationally, the Chief Medical Officer calculated in 2003 that introducing smoke-free workplaces would produce an overall net benefit to society of £2.3-£2.7 billion annually.

6. There are a number of national and local targets relating to smoking. Locally, these include:
- In 2005-2006 to achieve 1,000 four week quitters (people who set a quit date with the NHS Stop Smoking Service, and have not smoked by the four week point).
 - In 2006-2007 to achieve 1,100 four week quitters.
 - Reduce overall mortality rate for deprived areas compared to Herefordshire (Herefordshire Partnership Strategy).
 - To reduce the numbers of young people (under 16s) who smoke. (Herefordshire Partnership target).
 - To reduce mortality rates from cancer, stroke and heart disease for people under 75 (Herefordshire Partnership target).

7. Pre-announcement of Smokefree England smoking initiatives and resources included:

- PCT health promotion resources unit, distributing stop smoking leaflets to GP practices, hospitals, and health professionals. This will soon relocate to the ASDA site, giving greater opportunities for public display.
- PCT Stop Smoking Service. A full-time Co-ordinator (Caron Cooke); full-time midwife; and three part-time advisors provide a range of services including one-to-one advice in clinics; intensive support for pregnant women; working in secondary schools; working in with hospital patients; and working with local businesses, offering smoke-free accreditation.
- Publicity peak around "No Smoking Day" in March each year. This is led by the PCT team but involves other partners, for example, the Fire Service.
- Health professionals who are trained by the Stop Smoking team to offer brief interventions to all patients who smoke. This includes GPs, health visitors, school nurses, and midwives.
- Community pharmacists offering a stop smoking service.
- Council enforcement of legal ages in sales of tobacco.
- Healthy schools programme which offers support to schools to become accredited health schools. Promoting healthy lifestyles is a key part of this.

This work will continue and much of it has become part of the Smokefree Herefordshire Partnership action plan (Appendix 1).

8. Whilst the Smoke free England is a piece of public health legislation it is incumbent on the local authority to regulate and enforce the law through its environmental health and trading standards divisions. This will be a statutory duty and will be subsumed into the role of environmental health and trading standards annual enforcement programmes, once the initial drive has been completed.
9. The Department of Health has allocated funds specifically to implement the new legislation. Herefordshire Council will receive £96,253 in total, divided as £16,304 for 2006/07 and £79,949 for 2007/08. This will help provide local advertising and special events in the lead up to 1 July, and increased enforcement just prior to and after the due date, to ensure compliance. The Department of Health is also running its own advertising campaign and will contact businesses directly with

the signs that are required to be displayed by law by all businesses. The financial implications include the need to allocate this grant to the Environment Directorate budget for the Environmental Health & Trading Standards Division to ensure that this initiative is a success.

10. The Council, as a large employer with a significant number of workplaces throughout the county, is reviewing its own smoking policy to address the issues that it will face through implementing smokefree workplaces.

Risk Management

1. The sparseness of population and the maintenance of an up to date database may mean some businesses are not contacted directly. The local advertising campaign and 'road shows' should address this issue.
2. When businesses begin to acknowledge the changes they must effect there may be a capacity issue in the Council handling enquiries. A 'Smokefree Helpline' has been established to deal with these enquiries, and will pass to Info by Phone once it is operational.
3. Blatant non-compliance as a way of demonstrating disagreement with the Government's decision to go smokefree will have to be handled tactfully, and how such problems should be dealt with must be agreed between the regulators and the legal team. The use of fixed penalty notices versus prosecution should also be established as part of the enforcement policy on 'smokefree'.
4. Allowing smokers to only smoke outside businesses and places for socialising may lead to an increase in cigarette related litter, and some degree of other anti-social behaviour, particularly if people have been drinking. An anti-cigarette litter Streetscene campaign is being run in conjunction with Smokefree Herefordshire to try to mitigate this. Extra litter in public places may lead to an increase cost for street cleansing.

Alternative Options

There are no Alternative Options.

Consultees

None

Appendices

Appendix 1 - Smokefree Herefordshire Action Plan

Background Papers

None identified.