

EAST AYRSHIRE COUNCIL

COMMUNITY SAFETY FORUM –1st DECEMBER 2005

SMOKING IN PUBLIC PLACES – IMPLEMENTATION OF SMOKE FREE PROVISIONS

Report by the Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To advise the Community Safety Forum of the legislation relating to the prohibition of smoking in enclosed public places.
- 1.2 To update the Community Safety Forum of the proposed implementation of the smoke-free provisions.

2. BACKGROUND

- 2.1 The issue of smoking in enclosed public places has been the subject of extensive public consultation during the last twelve months in terms of the prohibition of smoking in such public places.
- 2.2 Following consideration of the findings of the consultation process and evidence gathered on the health effects of passive smoking and the health and economic impact of regulation of smoking in public places, the Scottish Parliament approved the Smoking, Health and Social Care (Scotland) Act 2005 on 30th June 2005 which introduces a smoking ban in Scotland.
- 2.3 The Scottish Executive has announced that the date by which enclosed public places must be smoke free as 26th March 2006.
- 2.4 Certain very limited exemptions have been indicated as: residential accommodation, designated rooms in adult care homes, adult hospices, designated rooms in psychiatric hospitals and units, designated hotel bedrooms, designated rooms in offender accommodation premises, offshore installations and private vehicles.
- 2.5 The new legislation is seen as a significant step forward in improving public health in Scotland.

3. IMPLEMENTATION

- 3.1 A comprehensive implementation programme has been indicated by the Scottish Executive on the run up to the 26th March 2006 implementation date.
- 3.2 An active television and cinema advertising campaign will advise of passive smoking and the introduction of the new legislation.

- 3.3 A mail drop to all households and businesses by the Executive highlighting the provisions of the smoking ban is programmed prior to the implementation date.
- 3.4 Detailed guidance to businesses, the NHS and Local Authorities will also be produced.
- 3.5 The Scottish Executive has recognised the key to compliance is public and business support and the Minister for Health and Community Care has called for support in building the compliance at local level.
- 3.6 The Scottish Executive has recognised that Environmental Health has a vital role to play in the education and compliance of smoke free enclosed public places. After 26th March 2006 Environmental Health Officers will be asked to ensure compliance with the smoking ban.
- 3.7 Training for Environmental Health staff is to be arranged relative to advice and enforcement via the Royal Environmental Health Institute of Scotland.
- 3.8 Additional funding requirements relative to implementation of the smoking ban is currently being addressed by the Scottish Executive and CoSLA.

4. FINANCIAL IMPLICATIONS

- 4.1 Additional funding relative to enforcement, training of staff and other issues will be required and this issue is being addressed by CoSLA and the Scottish Executive.

5. LEGAL IMPLICATIONS

- 5.1 The Smoking, Health and Social Care (Scotland) Act 2005.
- 5.2 The application of the legislation will have implications for businesses and the community.

6. POLICY IMPLICATIONS

- 6.1 The provisions are in line with improving public health in Scotland and support the principles of the Community Plan regarding health.

7. CONCLUSIONS

- 7.1 The Scottish Executive has announced the date by which enclosed public places must be smoke free. By 26th March 2006, with relatively few exemptions, places where the public have access to require to be smoke free.

- 7.2 The legislation introducing the smoking ban in Scotland was approved by the Scottish Parliament on 30th June 2005.
- 7.3 The implementation programme prior to 26th March 2006 includes comprehensive advertising and guidance to the NHS and Local Authorities and comprehensive training programmes for enforcement staff.
- 7.4 Environmental Health Officers will be tasked to ensure compliance with the smoking ban.
- 7.5 Adequate funding for enforcement training and other issues will be required and is currently being addressed by the Scottish Executive and CoSLA.

8. RECOMMENDATIONS

- 8.1 The Forum is recommended to:-
- (i) note the implementation date of the smoking ban;
 - (ii) consider the support of the proposals at a local level in terms of improving public health;
 - (iii) note that the Executive Director of Neighbourhood Services will make suitable arrangements regarding implementation and enforcement of the smoking ban.
 - (iv) note that Environmental Health Officers have been tasked to enforce the legislation and will provide advice to businesses and the public
 - (iv) otherwise note the contents of the report.

William Stafford
Executive Director of Neighbourhood Services

15th November 2005

WS/PLT/RRS

LIST OF BACKGROUND PAPERS

1. Letter from Andy Kerr MSP, Minister for Health and Community Care: The Smoking, Health and Social Care (Scotland) Act 2005: Implementation of Smoke-free provisions.

Anyone wishing to inspect the background paper listed above should contact John F Crawford on 01563 576111.

Implementation Officer – john.crawford@east-ayrshire.gov.uk

APPENDIX 1

NO-SMOKING PREMISES

1. Restaurants
2. Bars and public houses.
3. Shops and shopping centres.
4. Hotels.
5. Libraries, archives, museums and galleries.
6. Cinemas, concert halls, theatres, bingo halls, gaming and amusement arcades, casinos, dance halls, discotheques and other premises used for the entertainment of members of the public.
7. Premises used as a broadcasting studio or film studio or for the recording of a performance with a view to its use in a programme service or in a film intended for public exhibition.
8. Halls and any other premises used for the assembly of members of the public for social or recreational purposes.
9. Conference centres, public halls and exhibition halls.
10. Public toilets.
11. Club premises.
12. Offices, factories and other premises that are non-domestic premises in which one or more persons work.
13. Offshore installations.
14. Educational institution premises.
15. Premises providing care homes services, sheltered housing or secure accommodation services and premises that are non-domestic premises which provide offender accommodation services.
16. Hospitals, hospices, psychiatric hospitals, psychiatric units and health care premises.
17. Crèches, day nurseries, day centres and other premises used for the day care of children or adults.
18. Premises used for, or in connection with, public worship or religious instruction or the social recreational activities of a religious body.

- 19.** Sports centres.
- 20.** Airport passenger terminals and any other public transportation facilities.
- 21.** Public transportation vehicles.
- 22.** Vehicles which one or more persons use for work.
- 23.** Public telephone kiosks.