

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 24 MAY 2006

PROHIBITION ON SMOKING IN PUBLIC PLACES: PROGRESS REPORT

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To advise Committee of progress made in implementing the ban on smoking in public places.

2. BACKGROUND

- 2.1 Previous reports have advised Committee of the arrangements made by the Environmental Health Service to ensure that the ban on smoking in public places is observed throughout the Council area.
- 2.2 The legislation came into effect on 26 March 2006 and existing Environmental Health staff immediately undertook a programme of visits to ensure compliance with the new legislation.
- 2.3 Funding for two additional temporary Enforcement Officers was provided by the Scottish Executive and the two new members of staff were in post by mid-April.
- 2.4 Since the introduction of the ban, the Environmental Health Service has carried out a significant number of visits to ensure compliance with the new legislation.

3. DISCUSSION

- 3.1 As reported previously, a considerable amount of work had been put in by the Environmental Health Service prior to the introduction of the new legislation to alert certain types of business. The work concentrated on licensed premises and all premises let out by the Council. Previous reports have indicated that this legislation is somewhat unique in that one Council service is responsible for enforcing legislation on all Council premises.

- 3.2 Environmental Health staff work closely with colleagues in Ayrshire & Arran NHS Trust to participate in seminars etc designed to highlight the impact of the new legislation while at the same time offering support to individuals who wish to stop smoking.
- 3.3 In accordance with the Council's Enforcement Concordat and Scottish Executive guidance, the approach taken has been to inspect, advise and guide, warn and as a last resort, take formal action.
- 3.4 The initial results of inspections indicate that there is wide compliance with premises considered as sensitive (e.g. public houses, restaurants, cafes etc) with little or no evidence of contraventions. There has been only one occasion where a warning letter has been sent out to the Proprietor of licensed premises in East Ayrshire and one taxi driver and the holder of the Operator's Licence have also each had a written warning. So far no Fixed Penalty Notices have had to be issued to either the Proprietors of premises or to individuals using the premises.
- 3.5 It is worth noting however that there has been difficulties with some premises where the appropriate signage has not been displayed and the majority of these contraventions are due to the fact that the Proprietors have never allowed smoking on their premises and did not think that they were required to display prescribed "no smoking" signs.
- 3.6 Enforcement Officers also report that the number of smokers congregating outside premises where the new ban applies are far less than was originally anticipated and it is thought that many members of the public have seen the introduction of the new legislation as an opportunity to try to give up the habit. In such cases, Environmental Health and colleagues within the NHS Trust have been able to offer appropriate support and guidance.

4. FINANCIAL IMPLICATIONS

- 4.1 The additional costs of Environmental Health Officers carrying out enforcement work prior to the recruitment of the additional staff has been met from existing approved budgets. The cost of recruiting two temporary additional Enforcement Officers has been funded by the Scottish Executive for a two year period.

5. LEGAL AUTHORITY/IMPLICATIONS

- 5.1 The Smoking, Health and Social Care (Scotland) Act 2003.

6. POLICY IMPLICATIONS

- 6.1 It is clear that the introduction of this new legislation will make a significant improvement to the public health of the community in East Ayrshire and is a cornerstone of the philosophies set out in the Community Plan.

7. CONCLUSIONS

- 7.1 The Environmental Health Service has made a comprehensive start to enforcing the new legislation which bans smoking in public places.
- 7.2 In general terms, compliance with the new legislation has been excellent throughout the Council area but there has been some problems with small businesses which having never allowed smoking on their premises, have not bothered to display the appropriate “no smoking” signs.
- 7.3 There is good evidence that a significant number of the community have seen the introduction of the new legislation as an opportunity to stop smoking which in turn must benefit the general health of the community.

8. RECOMMENDATIONS

- 8.1 The Committee are recommended to note the contents of the report.

William Stafford
Executive Director of Neighbourhood Services

WS/JFC/SD

4 May 2006

LIST OF BACKGROUND PAPERS

Nil

Any person wishing to inspect the background papers listed above should telephone (01563) 576111 and ask for John F Crawford.

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