

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 14TH SEPTEMBER 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 Committee of the approval of the legislation relating to the prohibition of smoking in enclosed public places.
- 1.2 To update Members 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 also 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 are tasked 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 Determination of 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. The estimated cost of enforcement of the legislation in East Ayrshire is £120,000. This figure includes the cost of employing two additional Environmental Health Officers and the associated training, shift-working, employment etc costs.
- 4.2 Subject to workload, these additional staff could also be involved in additional responsibilities arising from changes to the licensing legislative. Such additional duties would be discussed with the Clerk to the Licensing Board.

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 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 Committee are 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) remit to the Executive Director of Neighbourhood Services to make suitable arrangements regarding implementation and enforcement of the smoking ban; and
- (iv) otherwise note the contents of the report.

William Stafford

Executive Director of Neighbourhood Services

19th August 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.

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