

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	<b>Meeting:</b>	<b>Regeneration and Asset Board</b>
2.	<b>Date:</b>	<b>13<sup>th</sup> June 2007</b>
3.	<b>Title:</b>	<b>Capital and Asset Management Strategies, Plans and Programmes 2007 – 2012 Minor Strategic Capital Investment Block All Wards</b>
4.	<b>Programme Area:</b>	Environment and Development Services

### 5. Summary

This report outlines the issues around the Smoke free legislation which comes into effect as from the 1<sup>st</sup> July 2007.

In order to comply with the legislation the authority has to erect a number of compliant signs to all the council buildings where the legislation applies. This report outlines the background to the legislation and the works required in order for the authority to comply with the legislation.

### 6. Recommendation

**Regeneration and Asset Board approve the sum of £25,000 from the 2007/2008 minor strategic capital investment block to enable the authority to comply with the Smoke free legislation which comes into effect from the 1<sup>st</sup> July 2007.**

## **7. Proposals and Details**

Cabinet have previously agreed that the capital receipts target of £3,500,000 per annum will be allocated to maintenance projects (£1,500,000), minor strategic projects under £300,000 (£1,500,000) and a contingency fund (£500,000)

At the meeting of the Regeneration and Asset Board on the 17<sup>th</sup> May 2007, the Board approved the allocation of £1,410,555 from the £1,500,000 2007/2008 minor strategic projects allocation.

A report was been submitted to CMT on the 22<sup>nd</sup> January and the 4<sup>th</sup> May 2007 outlining the implications of the Smoke free legislation which comes into effect on the 1<sup>st</sup> July 2007. The Health Act 2006 introduces new offences to protect employees and the public from the harmful effects of second hand smoke.

There are a number of measures which the Council needs to take place to ensure compliance with the law.

These include;

- Ensuring that all entrances to council buildings have no-smoking signs displayed which meet the legislative standards,
- Displaying signs to all common parts of flats ,stair wells etc
- Displaying signs in all council vehicles
- Displaying signs in all vehicles leased or hired by the council
- Ensuring that all existing signs are checked to ensure that they are suitable.

An internal project group was set up which developed an action plan to put in place the appropriate signage and carry out the actions required to comply with the legislation.

The group have estimated that a budget of up to £25,000 may be required in order for the Council to comply with the above signage legislation requirements as outlined above.

Regeneration and Asset Board are requested to approve the allocation of £25,000 to enable the Council to comply with the legislation.

The report to 4<sup>th</sup> May Corporate Management Team about compliance with Smokefree legislation is attached at appendix 1.

The appropriate minute of the 4<sup>th</sup> May Corporate Management Team is attached at appendix 2.

## **8. Finance**

An allocation of £1,500,000 is included in the currently agreed capital programme for minor strategic projects in 2007/2008

£1,410,555 has already been allocated from this leaving a balance of £89,445.

This report requests that a £25,000 is allocated form the balance to ensure we can comply with the Smokefree legislation.

## **9. Risks and Uncertainties**

The Council has a duty to comply with the new smokefree regulations. Failure to comply may result in adverse publicity and be seen to show a lack of leadership on public health issues. It may also result in litigation and could adversely affect the CPA rating.

The Health Act 2006 Section 10(3) places a duty on an “enforcement authority” to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of the Health Act 2006 and regulations made under it. Failure to enforce the provisions of the legislation will have an impact on public health, and have a negative projection to local communities and businesses to deliver against a high profile national drive.

The local authority is required to provide returns to the government on the number of inspections undertaken and the enforcement and intervention actions undertaken. Failure to meet the Government inspection targets will result in publication of the information and could result in the enforcement activity being undertaken by another agency and the local authority being re-charged for provision of the service by this agency.

## **10. Policy and Performance Agenda Implications**

This legislation is a key part of the Governments public health agenda and directly contributes to the “Rotherham Alive” and “Rotherham Safe” themes of the Community Strategy and Corporate Plan as it will:

- reduce the risk to health from exposure to second-hand smoke.
- recognise a person’s right to be protected from harm and enjoy smokefree air.
- increase the benefits of smokefree enclosed places and workplaces for people trying to give up smoking.
- save lives by reducing exposure to second-hand smoke and contributing to a reduction in overall smoking rates.

Delivering compliance with the legislation is a Year Ahead commitment for 2007/08.

## **11. Background Papers and Consultation**

Reports on the Smoke Fee legislation to the Corporate Management Team on the 22<sup>nd</sup> January 2007 and the 4<sup>th</sup> May 2007.

The Health Act 2006

Rotherham Tobacco Control Strategy 2006-2007

The smokefree regulations and Lacors guidance

DoH Consultation document on “Consultation on under-age sale of tobacco

LAC (2006) 17 Dept of Health Circular regarding funding to support implementation of smoke-free legislation

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