

REPORT TO: ENVIRONMENTAL SERVICES AND SUSTAINABILITY COMMITTEE
(19TH MARCH 2007)

REPORT ON: SMOKING PROHIBITION

REPORT BY: HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS

REPORT NO. 151-2007

1.0 PURPOSE OF REPORT

1.1 This report informs members on the impact in Dundee of implementing The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006, introduced on 26th March 2006.

2.0 RECOMMENDATIONS

2.1 The Committee is asked to note and approve the content of this report.

3.0 FINANCIAL IMPLICATIONS

3.1 Grant funding provided for the implementation of Smoking Prohibition legislation ceases at the end of March 2008. No provision has yet been made for further funding.

4.0 SUSTAINABILITY POLICY IMPLICATIONS

4.1 This report covers the key theme that health is protected by creating safe, clean, pleasant environments which emphasise prevention of illness.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 None

6.0 REPORT

6.1 Smoking & Health

In response to research which indicated the significant detrimental effect of smoking on health, the Scottish Executive introduced The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

The research confirmed that smoking is the biggest cause of preventable death in Scotland, that there is no safe limit for inhalation of second hand tobacco smoke and intervention was necessary to prevent future health problems.

Environmental Health Officers (EHOs) within local authorities were given responsibility for enforcement of the new smoking legislation

6.2 Smoking Prohibition Enforcement

Scottish Executive funding allowed the appointment of two temporary Smoking Prohibition Enforcement Officers to spearhead enforcement activity. These officers

have a work schedule which provides for enforcement activity during the day, evenings, nights and weekends.

- Over 1,700 monitoring visits have been made to premises, including vehicles, covered by the smoking prohibition legislation.
- 129 requests for advice have been received.
- 233 complaints have been logged and investigated.
- Compliance in Dundee is approximately 95%.
- 35 written warnings have been issued.
- 63 fixed penalty notices have been issued. The recovery rate of fines is over 90%.

Successful implementation of the smoking legislation in Dundee has been achieved through a mix of the willingness of business and the general public to comply, allied to an effective enforcement strategy.

The initial successful implementation of the new legislation can be sustained through a continuation of the current effective monitoring and enforcement strategy.

6.3 Smoking Cessation

The Environmental Health & Trading Standards Department is working with other members of the Dundee Tobacco Control Alliance to maintain the momentum gained in changing people's attitudes to smoking and tobacco.

Smoking prohibition enforcement officers actively promote smoking cessation services provided by NHS Tayside

6.4 Young People and Prevention of Smoking

Dundee City Council recognises the need to ensure that young people are not encouraged to smoke through peer pressure or by easy access to tobacco. The Environmental Health and Trading Standards Department has been supporting the Education Department in preventing school children from smoking within school grounds and in the vicinity of their school.

A test purchase survey was recently carried out within the city to identify retail premises selling cigarettes to persons under the age of 16. As a result, reports were submitted to the procurator fiscal.

6.4 Recognition of Dundee City Council's Tobacco Control and Smoking Prohibition Strategy

Dundee City Council's role in promoting smoking and smoking cessation has been recognised in the City and further afield.

- In advance of the implementation of similar legislation in England later this year, representatives from Preston Council & Lancashire Health Trust and Halton Borough Council made fact finding visits to Dundee.
- A crew from German television station GWR in Stuttgart visited Dundee to film the Smoking Prohibition Enforcement Officers at work and witness the effects of the smoking ban.

7.0 CONSULTATION

- 7.1 Chief Executive
Depute Chief Executive (Support Services)
Depute Chief Executive (Finance)
Assistant Chief Executive (Community Planning)
Director of Education

8.0 BACKGROUND PAPERS

- 8.1 No background Papers, as defined by Section 50D of the Local Government (Scotland) Act 1973/other than any containing Confidential or Exempt Information were relied on to any material extent in preparing the above report.

Albert Oswald
Head of Environmental Health and Trading Standards

February 2007