

**REPORT TO:** POLICY AND RESOURCES COMMITTEE - 9TH JANUARY, 2006

**REPORT ON:** PROHIBITION OF SMOKING IN CERTAIN PREMISES (SCOTLAND) REGULATIONS 2006

**REPORT BY:** DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)

**REPORT NO:** 17-2006

## **1.0 PURPOSE OF REPORT**

- 1.1 To advise members of the Committee of the effect of the above regulations.

## **2.0 RECOMMENDATIONS**

- 2.1 The Committee agree to use the style of signs supplied by the Scottish Executive, both for premises and vehicles.
- 2.2 It be remitted to the Depute Chief Executive (Support Services) to approach bus companies, Health Board and other major employers to encourage the use of the same style of signs.
- 2.3 The Assistant Chief Executive (Management) prepare a report on the policy statement for submission to the Personnel Committee.
- 2.4 The City Council's scheme of delegation to Officers be amended to include in the schedule of legislation enforced by Environmental Health Officers the Smoking Health and Social Care (Scotland) Act 2005.

## **3.0 FINANCIAL IMPLICATIONS**

- 3.1 The only costs will be for signage and these will be met from existing departmental revenue budgets.

## **4.0 EQUAL OPPORTUNITIES IMPLICATIONS**

- 4.1 None.

## **5.0 LOCAL AGENDA 21 IMPLICATIONS**

- 5.1 Implementation and enforcement of the regulations will lead to a healthier and safer environment for employers, employees and members of the public alike.

## **6.0 MAIN TEXT**

- 6.1 The above regulations come into force at 6.00 am on 26th March next year and will result in a ban on smoking in public places and work places which are wholly enclosed or substantially enclosed. A public place which is substantially enclosed would have an opening which is less than half the area of its walls, (as an example, some of the newer bus shelters will be affected while some of the older ones will not). Not all City Council properties will be affected - adult care homes, for instance, are excluded.
- 6.2 The Scottish Executive have issued guidance to all businesses on the new regulations and this guidance has been circulated to all Council departments.
- 6.3 'No Smoking' signs must be displayed on all City Council buildings affected by the regulations. The signs must be positioned so they can be seen and read by people in the premises and persons approaching the premises. They must be prominently displayed and protected from tampering, damage, removal or concealment.
- 6.4 The size and content of the sign has been prescribed and styles of design were issued with the guidance and a copy is attached.

- 6.5 It is anticipated that many local businesses will use this style sign and if the majority of businesses in the area use the same sign, then this should lead to a better recognition by the public. Signs using the City Council logo should not be used as it could be misconstrued that the 'No Smoking' ban was a Council initiative.
- 6.6 As well as buildings, Council vehicles will also be affected by the regulations and will need to display signs as will buses, trains, taxis and private hire vehicles.
- 6.7 To minimise costs and increase recognition, the same signs should be used on all taxis and private hire cars. In this way, some economies of scale will accrue. Taxis and private hire operators will be recharged for the signs through their annual fee. The local bus companies and possibly the health board should also be encouraged to use the same style of sign.
- 6.8 A written smoke free policy will need to be developed and guidance has been received from the Scottish Executive as to what should be included in the policy. The policy has to be distributed to all staff. A further report on the policy will be submitted to the Personnel Committee.
- 6.9 The regulations will be enforced by Environmental Health Officers who will be authorised to issue Fixed Penalty Notices. The offences of permitting smoking in No Smoking premises or not displaying signs carry a penalty of £200 and smoking in No Smoking premises carries a penalty of £50. These can be discounted to £150 and £30 respectively if paid within 15 days of the Notice being issued.
- 6.10 The Council must also keep an account of income and expenditure in respect of the administration and enforcement of the regulations. Any deficit in the account must be made good and any surplus applied for purposes connected with the improvement of the amenity of the area of the Council or any part of the area.
- 6.11 If an offence committed by the Council is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of an officer or member or any person purporting to act in any such capacity, that person, as well as the Council is guilty of the offence. Chief Officers and other officers who have the management and control of No Smoking premises will require to adopt a pro-active approach to enforcing the regulations to avoid any such allegations being made.
- 6.12 One of the joint health improvement objectives contained in the Dundee Joint Health Improvement Plan 2005/2008 is reducing smoking and tobacco related harm and the enforcement of these regulations will contribute towards that objective. It is also hoped that restricting the number of places where people can smoke will lead to an increase in people attempting to stop smoking.

## **7.0 CONSULTATIONS**

- 7.1 The Chief Executive, Depute Chief Executive (Finance) and Depute Chief Executive (Management) have been consulted in the preparation of this report.

## **8.0 BACKGROUND PAPERS**

- 8.1 None.

## **9.0 Name: Patricia McIlquham**

**Depute Chief Executive (Support Services)**

**Date: 30th November, 2005**



# NO SMOKING

**These are no smoking premises.  
It is an offence to smoke or knowingly  
to permit smoking in these premises.**

If you observe someone smoking here, a complaint  
may be made to

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