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SMOKEFREE ROSSENDALE  
STRATEGY

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Philip Mepham  
Interim Manager, Environmental Health  
Rossendale Borough Council

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## **1. Introduction and context for the Strategy**

1.1 Smoking is the largest single cause of preventable death in the UK. The medical and scientific evidence of the risks to health from exposure to secondhand smoke is well established and documented. The Government's independent Scientific Committee on Tobacco and Health (SCOTH) has confirmed that secondhand smoke is a substantial public health hazard and recommended restrictions on smoking in public places and workplaces to protect non-smokers.

1.2 The Government has therefore introduced Smokefree legislation with the aim of:

- reducing the risks to health from exposure to secondhand smoke;
- recognising a person's right to be protected from harm and to enjoy smokefree air;
- increasing the benefits of Smokefree enclosed public spaces and workplaces for people trying to give up smoking so that they can succeed in an environment where social pressures to smoke are reduced; and
- saving thousands of lives over the next decade by reducing both exposure to hazardous secondhand smoke and overall smoking rates.

### **1.3 Health Inequalities**

*Smoking – more than any other identifiable factor - contributes to the gap in health life expectancy between those most in need and the advantaged.*

1.4 Despite a reduction in the number of people that smoke in the UK over the last 30 years, there has been little change among those in lower income groups. Smoking in Britain has therefore become more common among the poor and disadvantaged in society, thereby increasing health inequalities.

1.5 Smoking accounts for more than half of the differences in ill health by social class and for most of the widening in inequalities over the past 25 years. The financially less well off spend up to 15% of weekly income on cigarettes, compared to an average of 2% by the better off. Nearly 70% of smokers in lower socio-economic groups indicate that they want to stop smoking. People on low income, in small businesses and in the hospitality trade are at most risk of health hazards posed by secondhand tobacco smoke (1).

### **1.6 What does Smokefree mean?**

*Smokefree is where the public and all workers are protected from involuntarily inhaling secondhand tobacco smoke i.e. smoke resulting from other people smoking*

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(1) Statistics on Smoking, England 2006. Office of National Statistics. 30 August 2006

1.7 There is conclusive evidence that breathing in secondhand tobacco smoke causes death and disease. Secondhand tobacco smoke increases the risk of coronary heart disease and lung cancer. The effects of tobacco smoke in places of work are most relevant to the employees at those places. They have no choice but to breathe other people's tobacco smoke with the consequent ill effects on their health. If they already smoke themselves, a smoky environment will support their habit and make it more difficult for them to stop smoking and thereby protect their own health.

1.8 The overall aim of the new law is to protect non-smokers from breathing secondhand tobacco smoke by increasing the number of smokefree public places and places of work. Public places are defined as enclosed, or substantially enclosed, indoor areas in both the public and private sector, which are used by the general public.

## 2.0 **Where are we now?**

2.1 The estimated level of smoking in Rossendale is 24.9% (2) with levels of 26.5% for males and 23.4% for females. Overall levels vary from 23.5% to 27.5% when broken down into wards. This compares with levels of 25.9% across all East Lancs PCT and 24% for England as a whole (3) with the highest rate occurring in the Northwest region (29%).

2.2 The number of existing indoor Smokefree places of work is currently unknown. The East Lancashire Public Health Network surveyed 99 Rossendale licensed premises in 2005 (response rate of 62.6%) and found that 29% opposed the introduction of a law to make work places smokefree while 45% supported such a move (4).

## 3.0 **Consultation**

3.1 A poll was placed on Rossendale Council's website in February 2006. In answer to the question "Do you think that smoking should be banned from all public places" 68% of a total of 431 responses voted **Yes**. This could not be claimed to be a scientifically designed poll but does give an indication of the level of support amongst the public. The national trend in recent years has been increasingly in favour of smokefree environments.

3.2 Rossendale Borough Council decided, at their meeting in September 2005, to support the concept of a Smokefree Rossendale. The report was also supported by the Executive of the Local Strategic Partnership on 31 October 2005.

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(2) East Lancashire Health & Community Survey 2006. Centre for Public Health Research, Salford. January 2007.

(3) General Household Survey 2005. Office of National Statistics. 28 November 2006

(4) Burnley, Pendle and Rossendale PCT. Licensed Venue Survey. 2005

#### **4.0 Smokefree Rossendale Alliance**

4.1 A working group has been formed to implement this strategy. The group includes representatives of Rossendale Borough Council's Environmental Health Service, East Lancashire PCT Smoking Cessation Service, Smokefree Homes Co-ordinator, Lancashire Trading Standards Service and the East Lancashire Public Health Network. A representative will be invited to join the alliance from local businesses to ensure that their needs are taken into account.

#### **5.0 Smokefree legislation**

5.1 The main legislation, the Health Act 2006, was passed on 19<sup>th</sup> July 2006. This will be brought into force through several sets of regulations, most of which are still being produced. They include:-

a) Smoke-free (Premises and Enforcement) Regulations 2006, which come into force on 1<sup>st</sup> July 2007.

b) Smoke-free (Signs) Regulations - are currently in draft form and are in the process of being checked against European Union rules for consistency.

Three other sets of Regulations to be laid in Parliament in early 2007 will:-

- set out exemptions from smoke-free legislation
- set out the vehicles required to be smoke-free, and
- set levels of penalties for offences under smoke-free legislation.

In addition, further sets will:-

- set out duties to prevent smoking in smoke-free vehicles, and
- define the form of penalty notices.

5.2 The law, generally, requires premises and vehicles to be smokefree if they are open to the public and/or used as a place of work by more than one person. Those premises need to be smokefree only in those areas that are enclosed or substantially enclosed. These terms are defined in the Regulations. Regulations may also be made later on adding further places or descriptions of places to the list of smokefree environments.

#### **6.0 Vision and Aims of the Smokefree Rossendale Strategy**

6.1 The **Vision** is that Rossendale indoor environments, including relevant places of work and public places, will comply fully with legislation by 1<sup>st</sup> July 2007

6.2 The **Aims** of the strategy are:-

- To make sure we have staff and money to ensure the effective implementation of the law;
- To raise people's awareness of the law and its effects, including the things that people in control of public places and workplaces need to do, as well as the public;
- To help employers and others in control of indoor environments in order that they can work out and put in place smokefree policies;
- To link to smoking cessation resources;

- To support law enforcement in connection with the supply of tobacco and sales to underage children;
- To set up an enforcement policy for use after the law comes into force in relation to smokefree environments;
- To minimise smoking waste coming from near places of work and other places with smokefree indoor environments;
- To work with other local, regional and national organisations in order to ensure success and make sure we all act in a similar way when enforcing the law.

6.3 In order to determine, monitor and achieve progress towards a Smokefree indoor environment, the Achieving Smoke Freedom Tool Kit produced by the Chartered Institute of Environmental Health (CIEH) and Action for Smoking and Health (ASH) will be used.

## **7.0 Detailed Aims**

7.1 *Make sure we have staff and money to implement the law*

7.1.1 Evidence from the implementation of Smokefree legislation in Scotland and Ireland shows that successful implementation depends on working with businesses and education and promotion campaigns designed to help people change their smoking behaviour well before the implementation date. The existing health & safety enforcement service within Rossendale's Environmental Health Service is provided by 1.3 full time staff who are already committed to a programme of health & safety enforcement. This new law will be enforced by Rossendale BC in relation to all premises, including those for which the Health & Safety Executive is normally responsible. This means that we cannot enforce the law within our existing staff levels and that additional premises will become our responsibility in relation to this issue.

7.1.2 The Department of Health have recognised that it will require more resources to ensure the law is successfully enforced and have given Rossendale BC £5,944 in 2006/7 and £29,044 in 2007/8 to cover the extra costs. The Aim is to create and fill a temporary post for this purpose.

7.2 *Raise people's awareness of the law*

7.2.1 The Department of Health is launching a publicity campaign, aimed at businesses and the public, and proposes to spend £10m advertising the law, partly by direct mailshots to all businesses. Activity will begin in March 2007 with a campaign highlighting the risks of breathing in secondhand smoke.

7.2.2 A fully interactive website [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk) has already been set up by the Government.

7.2.3 A group of Officers within Rossendale Council has met to ensure that the Council is able to comply with the law as an employer as well as provider of services. The law has a range of implications which are currently being considered by the Council's staff in relation to the following:-

- a) Experience of Scotland and Ireland shows that there is likely to be a number of situations where people smoke outside licensed premises or other businesses. This may lead to increased numbers of planning applications for outdoor structures;
- b) This will also have implications for Building Control, in relation to the construction of those structures and for Noise Control and Anti-Social Behaviour in relation to the way those outdoor areas are used;
- c) More tobacco waste may need collection and removal;
- d) The Council will need to set out a policy in relation to its own staff, premises and vehicles;
- e) The Council will also have to think about the effect of the law on its own staff working in areas which will be exempt from the smokefree law;
- f) The Communications team will need to be able to respond to a likely increase in media interest
- g) There will be a need for increased readiness for higher levels of enforcement action after implementation.

7.2.4 Smokefree North West, an organisation formed by the Department of Health's North West Public Health Team, will be launching a high profile publicity campaign to be carried out across the region to support local authorities to implement the smokefree law.

7.2.5 The Aim is for Rossendale BC to design and deliver a communications strategy using the Council's existing links with local media and the community, using mainly nationally produced materials. The sum of £2,000 has been awarded to Rossendale BC by the Smoke Free Cumbria and Lancashire Partnership (SCALP) towards the cost of communications up to the end of March 2007.

### 7.3 *Help employers and others in control of indoor public places*

7.3.1 Rossendale Borough Council is responsible for the enforcement of Health & Safety law in about 1,250 premises. The Health & Safety Executive are responsible for enforcement in a further 850 premises within Rossendale. There is a further unknown number of public places to which the legislation applies in addition to an unknown number of vehicles.

7.3.2 The introduction of Smokefree indoor environments will introduce new responsibilities on employers and employees alike. This will need to be handled sensitively in order that unnecessary problems are not created in the workplace. While non-smokers should be pleased with their new working environment, committed smokers may need support and help to continue working without affecting their colleagues with secondhand smoke. Employers and people in control of public places will need to think about how much of their premises should be Smokefree as some may wish to have Smokefree areas outside their buildings.

7.3.3 The Aim is for the Environmental Health Service to work with an existing Officer of the East Lancashire Public Health Network to provide local help to

businesses and others in setting up Smokefree policies for the premises for which they are responsible.

#### 7.4 *Links to smoking cessation services*

7.4.1 Evidence from implementation elsewhere shows that more people use the Smoking Cessation Services (SCS) provided by the PCT just before the law comes into force. The Aim would be to ensure that links are set up with the local SCS in order to help them cope with any expected peaks in demand.

#### 7.5 *Support restrictions on sales of tobacco to underage children*

7.5.1 Access to tobacco is controlled in a number of ways:-

- a) restrictions on advertising and promotion through the media,
- b) restrictions on advertising and promotion in shops, licensed premises and other retailers,
- c) restrictions of sales to underage children,
- d) restrictions of illegal importation and sale of tobacco.

7.5.2 Restrictions on the availability of tobacco have been included in the Lancashire Area Agreement as a key target under the Healthy Communities and Older People theme. Lancashire Trading Standards Service has received extra money to tackle the sale of tobacco to underage children. The Service is using underage children to carry out test purchases both over the counter in shops and from vending machines. Current experience shows that 35% of attempted sales to a 14 year old test purchaser in Rossendale have been successful indicating a high level of non-compliance with existing law banning such sales.

7.5.3 The Aim is to support the Trading Standards Service in the achievement of their targets by:-

- a) Checking that all Rossendale retail outlets have been told about the ban on illegal sales and the increased test purchase campaign.
- b) Helping Trading Standards to identify premises where it is possible that the sale of tobacco through vending machines to underage children cannot easily be prevented.
- c) Encouraging the public to report breaches of tobacco advertising restrictions and point of sale regulations.
- d) Reminding tobacco retailers in licensed premises about their responsibilities for preventing underage sales through a newsletter produced by the Council's Licensing section.

#### 7.6 *Set out an Enforcement Policy for use after implementation*

7.6.1 The main benefit of the Smokefree law is as a health protection measure in the workplace. The Health & Safety Executive will not be responsible for enforcement action. This means that Rossendale Borough Council will be responsible for enforcement in all places of work in this area.

7.6.2 Enforcement will therefore be needed in about 2,100 places of work and a currently unknown number of public places and vehicles. We expect that most people and premises will want to comply with law. There may be a very small number who may not be aware of what the law means or who are not clear about their duties. There may also be a very small number who fail to comply.

7.6.3 The Enforcement Policy is currently being revised to cover all Council enforcement activities and will be in line with national requirements and codes of practice. Enforcement in relation to the Smokefree legislation will be covered by the overall policy. A specific appendix will cover issues specifically related to this legislation. The Aim is to ensure that the effort being spent in publicising requirements before 1<sup>st</sup> July 2007 will achieve full compliance or make it clear where there may be problems - these will receive extra attention after implementation to ensure full compliance.

## 7.7 *Minimise smoking waste*

7.7.1 As a result of the creation of more Smokefree indoor environments, some smokers who want to continue to smoke while at work will do so outdoors, often near the premises within which smoking will soon be banned. This can have the effect of increasing the level of tobacco related litter in the street.

7.7.2 Cigarette ends are litter. There is a myth that cigarette ends quickly rot and therefore do not matter. Filtered cigarettes are made from cellulose acetate, a form of plastic, and can take years to rot. They are contaminated by their action of filtering out some of the hazardous chemicals produced by smoking. Smokers are, by their actions, having a lasting negative effect on the environment in many different ways as well as damaging themselves.

7.7.3 Cleaning up cigarette ends is a problem for the Council if people do not care for the environment. The Industry Council for Packaging and the Environment found that the amount of cigarette ends littering the street increased by 44% as the number of smoking bans multiplied.

7.7.4 To control tobacco related litter, advice needs to be targeted at both premises owners and the smoking public. Premises owners can be encouraged to provide facilities for the collection and disposal of tobacco related litter produced by their employees.

7.7.5 Keep Britain Tidy is planning a public education campaign starting in February 2007, encouraging smokers to dispose of their tobacco waste responsibly. Surveys have shown that 4 out of 5 smokers say they would bin their cigarette ends if suitable containers were available.

7.7.6 The Aim is to develop a programme of enforcement and education targeting premises owners and the smoking public to take care with the collection and disposal of tobacco related litter.

## 7.8 *Work with local, regional and national organisations*

- 7.8.1 Rossendale's Environmental Health Service is working with Smokefree East Lancashire, part of East Lancashire Public Health Network, to ensure the law is enforced consistently across East Lancashire and to spread good practice.
- 7.8.2 Rossendale BC liaises with Smokefree North West, which is aiming to achieve the Government's target for achievement of reductions in levels of smoking of 21% by 2010. We have been invited to contribute £660 towards the cost of the Smokefree North West's communications strategy. However, it is felt that as the Government is planning a large campaign, contacting businesses direct, and Rossendale would propose to carry out a local promotion to local businesses and communities, the request for funding of an extra campaign, which may or may not reach our residents, would not be worthwhile supporting.

## **8.0 Monitoring and Review**

- 8.1 The Environmental Health Service will use a form devised jointly by the Chartered Institute of Environmental Health and Action for Smoking and Health (ASH) to monitor progress towards compliance. The implementation of the legislation will be undertaken using the Council's corporate programme and project management approach. This will ensure a systematic and consistent approach to managing the process, one which can easily show the progress being made.