

Chief Executive's Service

Your Ref. :

Our Ref. :

Local Democracy & Member Services
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13 March 2007

To: **MEMBERS OF THE HARINGEY WELL-BEING PARTNERSHIP BOARD**

Dear Member

HARINGEY WELL-BEING PARTNERSHIP BOARD - THURSDAY 15 MARCH 2007

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the original agenda:

6. IMPLEMENTATION OF SMOKING LEGISLATION

To follow
Attached in this second despatch

11. PARTNER UPDATES (PAGES 1 - 4)

- (i) Healthier Communities Executive (*to follow*)
- (ii) Housing Executive (*attached*)
- (iii) Peoples Partnership (*to follow*)
- (iv) Supporting People (*to follow*)
- (v) Mental Health Partnership (***attached in this second despatch***)
- (vi) Joint Service Priorities Group (*no report*)
- (vii) Joint Performance and Strategy Group (*to follow*)
- (viii) Partners (*to follow*)

Yours Faithfully

NICOLAS MATTIS
Principal Committee Co-ordinator

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Well-Being Partnership Theme Board**Item No:****Date:** 15th March 2007**Report Title:** Update from Implementaion of Smokefree Legislation
Report of: Gerry Taylor (HTPCT) Keith Betts (LBH)**Summary**

To update Well-being Partnership Theme Board on work towards the implementation of smoke-free legislation.

The attached paper provides a report on local support for implementation of the Smoking Prohibitions contained in the Health Act 2006 , the Smoke Free (Premises & Enforcement) Regulations 2006 & associated statutes, outlining an action plan for preparation of businesses and customers, communication and awareness raising, and enforcement and monitoring of legislation.

The draft action plan is supported by a summary of the key areas of work in support of this by the smoking cessation team of the TPCT.

Recommendations

That the Well-being Partnership note progress and key issues.

For more information contact:

Gerry Taylor

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Keith Betts

Title Commercial & Environmental Protection Group Manager

Haringey Council – Enforcement Service

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Draft Strategy

Strategy for Implementation of the Smoking Prohibitions contained in the Health Act 2006 , the Smoke Free (Premises & Enforcement) Regulations 2006 & associated statutes.

Aims of the Strategy

- To assist in informing the Public (residents and visitors) of the provisions and their responsibilities as a customer.
- To assist in informing businesses of the provisions and their responsibilities, both as an employer and in respect of their customers.
- To arrange for suitable and effective enforcement working to a defined policy and adhering to the overall Service Enforcement Strategy.

Aims of a Smoking Enforcement Policy

- To provide clear guidelines to officers in the enforcement of these provisions.
- To provide a clear and open policy, risk based and proportionate to the offences committed , using the sanctions provided under the Act.

Strategy Actions

Information , Awareness & Advice

- Engage with Haringey TPCT in a joint partnership and action plan.
Ongoing
- Enable a Joint Press Briefing with the PCT to take place for local newspapers and those publications directed at ethnic communities.
March 2007
- Newsletter including one for Haringey Staff
May 2007
- Use of Haringey People Magazine and particularly;
 - A 'Front Page' article for the June edition.
May/June/July
 - Articles (Editorial) leading up to the implementation date.
“
 - Advertising articles.
“
- Local advertising including JC Decaux boards and lampposts for major shopping and ' evening entertainment ' / restaurant areas eg Crouch

End , Muswell Hill , Green Lanes.

May 2007

- GP's Surgeries and Libraries – information and assistance in respect of smoking Cessation (via PCT)

April 2007

- Work with Recreation for initiatives involving Leisure Centres.

April 2007

- Use of the National Logo with potential to use in general documentation .

April 2007

- Specific information to assist businesses as required eg the need to register to obtain leaflets and posters from the DoH. (via Website , letter)

June 2007

- Post implementation information & advice continuing , focusing on assisting with complaints received and issues raised.

July 2007 & ongoing

- Liaison , discussion and agreement with other Services to ensure they are aware of the smokefree legislation as applicable to them eg. Adults , Culture & Community Services in respect of residential premises / care centres.

April 2007

- Any local interpretation requirements in respect of 'substantially enclosed Premises' **April 2007**

Monitoring & Enforcement

- Wide authorisation of officers across the Enforcement Service to use powers under the Regulations including Environmental Crime and Commercial Services.

May 2007

- Employment of Smoking Co-ordinating Officer (Graduate Trainee Scheme) to organise and collate information, liaise with PCT and other bodies & deal with queries from business , residents and visitors

Underway March 2007

- Training for Officers to monitor and enforce requirements and production of advisory and warning documentation together with

Penalty Charge Notices.

May – June 2007

Set up IT support , complaint & monitoring through existing Northgate / MVM M3 Software including necessary codes & reporting templates.

May 2007

- During the first three months following implementation , visits to be made to check compliance and to issue further advice and guidance at all premises within the main shopping / evening entertainment areas , together with all licensed premises (Licensing Act 2003) and major employers in the borough.

July - Sept 2007

Response to complaints made or advice sought by businesses , residents and visitors with response times in line with present service standard (24 hours). Investigation and enforcement in line with Enforcement Policy

From 1st July

- Liaison to ensure proposed ' free-phone' facility to be made available by Government links efficiently to the enforcement Service complaints system

From 1st July

After the visits made in the first three months , subsequent inspections will be based on risk or be intelligence led .Where possible these will be combined with other regulatory inspections to reduce burdens on business

From 1st Oct

Draft Enforcement Policy

- The enforcement in respect of the smokefree regulations will be in compliance with the Enforcement Service " Enforcement Strategy & Policy " dated March 2007. This will provide general guidance on how the Enforcement Service will enforce the new requirements.
- Specifically with respect to offences under smokefree legislation , policy will be implemented as follows:
 - First witnessed offence committed by a business (failure to display notices , failure to prevent smoking) – warning letter , advice and guidance.
 - Subsequent witnessed offences where advice not taken and officer believes informal approach will not achieve compliance – consideration to serve Fixed Penalty Notice (FPN).

- Multiple witnessed offences with continuing flagrant or conspired breaches of the law – consideration to legal proceedings whether by formal caution or prosecution.
 - The Department of Health endorse an approach that will be non-confrontational, focused on raising awareness and understanding to ensure compliance . Enforcement action will only be considered when efforts to encourage compliance have failed.
 - The policy will be reviewed after six months operation and will put forward for Scrutiny after one year in operation to ensure that it is achieving it's objectives.
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- **Note : Proposed penalties & fines .**
 - Smoking in a smokefree premises or vehicle FPR £50 , discounted to £30 if paid within 15 days. For a prosecution fine not exceeding level 1 (up to £200)
 - Failure to display no smoking signs in smokefree premises or vehicles as required by smokefree legislation FPN £200 discounted to £150 if paid within 15 days . For a prosecution , fine not exceeding level 3 (up to £1000).
 - Failing to prevent smoking in a smokefree premises or vehicle . Fine not exceeding level 4 (up to £2500)
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- There will be close liaison between Officers enforcing the smokefree legislation and other enforcement matters which will have the potential to impact the local environment as a result of these changes. In particular :
 - Planning requirements & contraventions in respect of external smoking structures.
 - Street Trading Licensing for external structures as appropriate.
 - Littering outside and in the immediate vicinity of premises.
 - Noise complaints & nuisance from congregations and activities outside premises.
 - Licensing Authority requirements in respect of external licensed areas.
 - Building Regulations approval for external structures.

UPDATE

Stop Smoking Service Activities

Workplace Initiative

- Staff clinic at Haringey Council well established, and current format used as model for other organisations
- A number of large and medium sized employers have been approached with a view to offer services
- Smaller businesses have been contacted with information about Haringey Smoke-free awards

Provision of Treatment

- Existing provision includes two locations holding evening group sessions, two regular ongoing drop in clinics
- Extensive network of community based advisors (inc Pharmacists and practice nurses) provide treatment
- Currently assessing capacity within the service in order to maximise provision in view of predicted up turn in numbers of people seeking treatment

Marketing

- Stop Smoking Service has the personnel to develop a targeted campaign towards the smoke- free legislation, however this would be dependant on budgetary constraints

Preparation for Legislative changes

- Draft Strategy for implementation of 'Smokefree' legislation produced in draft by the Enforcement Service . Consultation underway , with Executive Member (Crime & Community Safety) Cllr Nilgun Canver to approve.
- Strategy includes for the Council's work in partnership with the Smoking Cessation Unit at the HTPCT , and includes information , advice and guidance up to and throughout implementation.
- The strategy endorses the DoH approach that will be non-confrontational, focused on raising awareness and understanding to ensure compliance. Enforcement action will only be considered when efforts to encourage compliance have failed.
- Actions to implement the strategy are detailed and an officer will be employed within the Enforcement Service to manage the implementation process from the Enforcement Authority.

Financial Support

- The DoH have made grants under Section 31 of the Local Government Act for Enforcement Authorities. The grant may be used towards expenditure incurred by local authorities and is being granted 'without condition'.
- For the financial year 2007/8 the amount granted is set at £147,840.

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Well-Being Partnership Theme Board**Item No:****Date:** 15th March 2007**Report Title:** Update from Housing Executive**Report of:** Chair, Graham Cutts**Summary**

To update Well-being Partnership Theme Board on Housing Executive.

Recommendations

That the Well-being Partnership note progress and key issues.

For more information contact:

Chair's name: Graham Cutts
Title: Interim Head of Housing
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UPDATE

The Housing Executive has not met since December 2005. In consultation with the Lead Member for Housing, this Executive is being replaced with an Integrated Housing Board, which is likely to meet in September 07 for the first time. Consultation on the exact nature and responsibilities of the Board are ongoing. However, five subgroups continue to meet. These are:

- Lettings
- Anti-social behaviour
- Development
- Housing Association forum
- Housing Benefit Liaison Group

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