

Report to the SFHW Board on the Implications and Progress on the Smoke Free Legislation

1. Introduction

At the Health Bill's third reading, on 14th February 2006, MPs voted to adopt comprehensive smoke free legislation. Draft smoke free regulations are now out for consultation (deadline 9th of October) and we expect a ban on smoking within enclosed and substantially enclosed workplaces (see exemptions in appendix A), in the summer of 2007. Enforcement will be by Environment and Regulatory Services Officers of Sheffield City Council. There is a lot of work to be done and a tight timescale to deliver a smooth transition.

Key points from the proposed legislation and levels of fines are at appendix A.

2. Health benefits

The key reason for the legislation is to protect workers from passive smoke exposure – this is about worker safety rather than ‘banning smoking’.

However the broader public health benefits of smoke free legislation are likely to be substantial. The Government has estimated that the smoking ban in England will reduce smoking prevalence by 1.7% resulting in more than 600,000 fewer smokers. (1) The actual figure may be much higher: a poll conducted for No Smoking Day found that as many as 2.8 million smokers said that they could stop smoking as a result of the legislation. (2) A systematic review of studies on the effects of legislation found that the effect of implementing policies in places where none had previously existed was associated with a drop in smoking prevalence of around 4%. (3)

A major concern was whether passive smoking would increase in the home. There is no published, peer-reviewed evidence to show that smoke free laws lead to an increase in smoking in the home. Studies suggest that where smoke free workplaces and public places are the norm, parents are more likely to make their own home a tobacco-free zone. (4,5)

3. Implementing the legislation

Representatives from the PCTs and the council met recently to agree the work required to raise awareness of the new legislation and identify critical actions to ensure a smooth transition. Key issues include:

- Possible increases in night time noise from smokers outside pubs
- Licensing and planning policy must be appropriate for the new legislation and the likely service demand for applications for external shelters needs to be planned for
- Potential increases in drinkers outside pubs – littering and violence issues.
- Staff exposure issues when working in residential accommodation
- Smoking in taxis
- PCT/SCC policy on smoking to be revised as appropriate
- Enforcement

A draft Sheffield City Council implementation plan for the new legislation including a marketing campaign is on circulation.

It is of paramount importance that the implementation of the legislation is as smooth as possible. Lessons from Ireland and Scotland are useful in this regard and will be pursued.

4. Role of Smoke Free Sheffield

The Smoke Free Sheffield Work has been picked up in the Tobacco Control Paper.

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References

1. Health Bill - Regulatory Impact Assessment
http://www.dh.gov.uk/PublicationsAndStatistics/Legislation/RegulatoryImpactAssessment/RegulatoryImpactAssessmentArticle/fs/en?CONTENT_ID=4121917&chk=sUauD/
2. No Smoking Day press release, 8 March 2006
3. Fichtenberg CM, Glantz SA. Effect of smoke-free workplaces on smoking behaviour: A systematic review. *BMJ* 2002;325:188-191.
4. Borland, R et al. Trends in environmental tobacco smoke restrictions in the home in Victoria, Australia. *Tobacco Control* 1999; 8 (3): 216-221
5. Soliman S et al. Decrease in the prevalence of environmental tobacco smoke exposure in the home during the 1990s in families with children. *Am J Pub Health* 2004; 94(2): 314-320

Appendix A

Key points from the regulations and fines

- **Definition of enclosed or substantially enclosed premises:** Enclosed premises: Premises will be considered to be enclosed if they have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed, whether on a permanent or temporary basis. Premises will be considered to be substantially enclosed if they have a ceiling or roof, and any openings in the walls are **less than half** of the total area of walls
- **Smokefree premises** will have to display a "*prominently visible*" no-smoking sign at each public entrance to the premises. The no smoking sign will have to be at least A5 in size, display the international "no smoking" symbol (a burning cigarette in red circle with red bar across it), and carry the words "No smoking. It is against the law to smoke in these premises"
- **Enforcement** will be carried out by local Councils (in practice mainly by Environmental Health Officers). The Government will meet Councils' additional costs for this work
- **Hotel bedrooms, and designated rooms in care homes, hospices, long stay mental health units and adult prisons** will be exempt from the legislation, but designated rooms with doors that open onto smokefree parts of premises will have to have mechanical closing devices
- **Smoking in a smokefree place** could lead to a fine of up to £200, with a fixed penalty notice option as above of £50, discounted to £30 for early payment. **Failing to prevent smoking in smoke free place**, a fine up to £2,500, with no option for a fixed penalty notice.