



City of Westminster

Minutes

Meeting: **Committee of the Cabinet – (1/2006)**
(Smoke Free Premises and Vehicles)

Date of meeting: **Wednesday 20 September 2006 at 5.00pm**

Attendees: **Councillors**
Colin Barrow (Chairman)
Ian Adams
Audrey Lewis

Also Present: **Sir Simon Milton**

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Apologies: **Alan Bradley**
Sarah Richardson

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1. MEMBERSHIP

- 1.1 It was noted that Councillors Alan Bradley and Sarah Richardson had sent their apologies.
- 1.2 It was noted that Councillor Colin Barrow had been nominated as Chairman by the Leader of the Council
- 1.3 **RESOLVED:** Following a vote Councillor Barrow was elected as Chairman.

2. DECLARATIONS OF INTEREST

- 2.1 Councillor Colin Barrow and John Barradell, Director of Community Protection declared that they were smokers.

3. IMPLEMENTING THE SMOKE-FREE LEGISLATION IN WESTMINSTER (Report of the Director of Community Protection)

- 3.1 John Barradell, Director of Community Protection, introduced the report which set out the implications and necessary actions for the City Council as an employer and client; service-provider; enforcement authority and community leader with regard to implementing the smoke-free provisions set out in the Health Act 2006. The Act requires workplaces, public premises, public transport and work vehicles in England and Wales to be 'smoke-free' from summer 2007 (date to be determined).
- 3.2 The Director of Community Protection advised that officers were recommending that the City Council's premises and vehicles be made 'smoke-free' from 1 January 2007 in advance of the requirements of legislation to serve as a role-model to the wider business community. Taking early action, he advised, would also provide the City Council with useful experience in advance of it having to provide help to businesses and the community in the months leading up to the implementation deadline.
- 3.3 The Committee discussed the report and asked questions of the officers present.
- 3.4 With regard to the measures and work streams to be undertaken by the City Council as an employer and service provider (as set out at paragraph 4 of the report), the Committee did not consider that it was appropriate to provide smoking shelters at the major city council work-sites or to increase the provision of smoking-related litter bins as it considered these measures could be counter productive to other work supporting staff to stop smoking.
- 3.5 With regard to the City Council's role as an enforcer of the legislation with businesses across Westminster, the Committee commented that it was keen for the Council to implement a non-confrontational enforcement response, encouraging compliance through education, advice and support in the first instance.

- 3.6 The Committee was also keen to ensure that the Council did not unnecessarily develop plans to enforce the legislation and it considered that some of the work suggested in recommendations 2.5 and 2.6 of the report to be premature. Instead, the Committee requested that, having regard to further Government advice and in consultation with key stakeholders and partners, officers report further to the Cabinet Committee with costed proposals for enforcing the legislation Citywide. The report to include legal advice on the extent of the Council's statutory obligations.

RESOLVED:

1. That the City Council's premises and vehicles be made 'smoke-free' from January 1st 2007, in advance of the requirements of the Health Act 2006.
2. That a communications strategy be implemented to ensure awareness of the legislation with local businesses, key stakeholders and Council staff, as well as lobbying central government should guidance not be issued in a timely manner and supporting any calls for additional provision on issues such as additional expenditure and cigarette-related litter should a case be established.
3. That the Government be lobbied over extension of ability to designate other areas not included within the 'enclosed' or 'substantially enclosed' definition, to be smoke-free, paying particular reference to those areas that may be included within the displacement of smoking from workplaces, such as licensed premises, to forecourts and pavements.
4. That the Government be lobbied to ensure that the costs associated with implementing the provisions of the Health Act 2006 are met from Central Government.
5. That Officers, in consultation with key stakeholders and partners, and having regard to further Government advice, report further to the Cabinet Committee with costed proposals for enforcing the legislation Citywide. The report to include legal advice on the extent of the Council's statutory obligations.
6. That the Officers work in conjunction with multi-agency partners, such as through the Westminster Tobacco Control Alliance, to raise awareness of the legislation; to support a smooth implementation process; and to promote opportunities to quit smoking.

Reasons for Decisions

There is no additional cost on the Council to go smoke-free in advance of the date of the legislation. However, there are multiple benefits of going smoke-free to support health improvement as well as role-model for enforcement with

the broader Westminster community and business sectors. The decisions will ensure a smooth and well-prepared response to the legislation, supporting businesses, organisations and the wider Westminster community to comply with the regulations for smoke-free premises and vehicles.

4. END OF MEETING

4.1 The meeting ended at 5.33pm.

Chairman

Date