

Chief Executive's Office

Please ask for: Miss R Hawes
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Date: 27 September 2005

Chorley
Borough Council

Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

Chief Executive:
Jeffrey W Davies MA LLM

Dear Councillor

A meeting of the Customer Overview and Scrutiny Panel is to be held in the Committee Room, Town Hall, Chorley on Wednesday, 5th October, 2005 commencing at 6.30 pm.

AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members of the Panel are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the room and not seek to influence a decision on the matter.

3. **Minutes (Pages 1 - 6)**

To confirm as a correct record the minutes of the meeting of the Customer Overview and Scrutiny Panel held on 7 September 2005 (enclosed)

4. **Customer Overview and Scrutiny Business Plan Monitoring Reports April - July 2005 (Pages 7 - 18)**

Report of the Head of Corporate and Policy Services

5. **Analysis of Complaints to the Chief Executive and Local Government Ombudsman 2004/05 (Pages 19 - 46)**

Report of Head of Corporate and Policy Services (enclosed)

6. **Smoking in public places - consultation document (Pages 47 - 76)**

A guide to responding from the Smoke Free Alliance and a draft response formulated by the Choosing Health in Chorley and South Ribble Group (enclosed)

Continued....

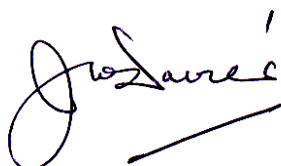
7. **Decriminalisation of Parking Enforcement Inquiry - Collecting Evidence**

- a) Discussion with Accountant for DPE from Finance Unit
- b) Information on the Mobile Parking Attendant Patrol Beat (to be circulated at the meeting)
- c) To consider questions to be asked at the site visit
- d) To consider dates to interview identified witnesses
- e) Inquiry documentation (enclosed) (Pages 77 - 84)

8. **Overview and Scrutiny Work Programme** (Pages 85 - 86)

Work Programme (enclosed)

Yours sincerely



Chief Executive

Distribution

1. Agenda and reports to all Members of the Customer Overview and Scrutiny Panel (Councillor Mrs Walsh (Chair), Councillors Cullens, Mrs D Dickinson, M Lees, Malpas, Miss Molyneaux, Russell, E Smith, Mrs J Snape and Snow) for attendance.
2. Agenda and reports to Group Director, Head of Corporate and Policy Services and Head of Public Open Space for attendance.
3. Agenda and reports to Executive Leader (Councillor J Wilson) Deputy Leader (Councillor Edgerley) Leader of Conservative Group (Councillor P Goldsworthy), Leader of Liberal Democrat Group (Councillor K Ball), and Chairman of Overview and Scrutiny Committee (Councillor J Walker) for information.
4. Agenda and reports to Executive Member for Traffic and Transportation (Councillor D Gee) and Councillor I Smith for information.
5. Agenda and reports to all remaining Chief Officers for information.
6. Agenda and reports to all remaining Members of the Council for information.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

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Customer Overview and Scrutiny Panel

7 September 2005

Present: Councillor Mrs Walsh (Chair) and Councillors Cullens, Mrs D Dickinson, M Lees, Malpas and Miss Molyneux

Also in attendance: Councillors D Gee (Executive Member for Traffic and Transportation)

05.CUS.41 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors E Smith, Russell and J Snape.

05.CUS.42 DECLARATIONS OF ANY INTERESTS

No interests were declared.

05.CUS.43 MINUTES

RESOLVED – That minutes of the meeting of the Customer Overview and Scrutiny Panel held on 6 July 2005 be confirmed as a correct record and signed by the Chair.

05.CUS.44 STANDARDS FOR BETTER HEALTH - DRAFT DECLARATION - CHORLEY AND SOUTH RIBBLE PRIMARY CARE TRUST

The Panel welcomed the Director of Clinical Governance, Sally Fletcher and the Head of Clinical Governance, Glenn Mather from Chorley and South Ribble Primary Care Trust.

Sally Fletcher presented a report entitled "Assessment for Improvement/Standards for Better Health Update and Action Plan". This was an annual assessment of healthcare organisations set out by the Healthcare Commission. There were seven domains of Standards for Better Health, divided into 24 core and 13 developmental standards. Comments gathered from partners and a draft declaration would be submitted to the PCT Board meeting in October and that the final declaration would be made in April 2006.

Members considered the report, the Action Plan and the Guidance on the Assessment of Core Standards. In response to a query it was noted that several inspections had already taken place to monitor the implementation and progress made. This included evidence that strategies were being implemented, not just that a strategy was in existence.

The Panel discussed several points raised in the Action Plan, including MRSA and the quality of service versus costs. The benefits of engagement with local partners and Patient and Public Involvement Forums were noted.

RESOLVED –

- 1. To thank the Director of Clinical Governance, Sally Fletcher and the Head of Clinical Governance, Glenn Mather from Chorley and South Ribble Primary Care Trust for their report and attendance,**
- 2. To note and support the "Assessment for Improvement/Standards for Better Health Update and Action Plan",**

3. **To invite the PCT to update the Panel prior to the final declaration in April.**

05.CUS.45 ONE STOP SHOP INQUIRY UPDATE

The Panel received a report from the Assistant Head of Customer Services reporting the actions taken following the One Stop Shop Inquiry recommendations presented to the Executive Cabinet in June 2004.

In response to a query the Assistant Head of Customer Services advised that a meeting was scheduled for late September with the Development Control Manager to discuss the recommendations made in relation to Planning Services.

Members noted that Human Resources were considering the recommendation with regard to training staff to use sign language on a corporate level. A further update would be brought to the Panel on this recommendation.

The Members supported the introduction of weekly surgeries with the Community Development Officer in partnership with Lancashire County Council.

The Chair congratulated all the Officers and Members on the "Excellent" rating in the recent Customer Access and Focus Best Value Inspection. The Council also received and "Excellent" for prospects for improvement. This was a unique result throughout the country.

RESOLVED – That the update report be noted.

05.CUS.46 REVIEW OF RACE EQUALITY SCHEME

The Panel received the report of the Head of Corporate and Policy Services informing Members of progress made by the Council towards the objectives set out in the Corporate Equalities Plan since the update given in July and to inform Members of the recent review of the relevance of council services to race, gender and disability.

The Panel discussed the report and queried several points. It was noted that training sessions for Members would be planned in September and October. A letter had been sent to all Members as part of the consultation process. Other groups being consulted were the Local Strategic Partnership and community groups.

RESOLVED –

1. **That the report be noted,**
2. **That an update on the timescales for the completion of the low priority function/policy be presented to a future meeting of the Panel.**

05.CUS.47 DECRIMINALISATION OF PARKING ENFORCEMENT INQUIRY - COLLECTING EVIDENCE

The Panel considered the following items as part of the collecting evidence stage of the ongoing Decriminalisation of Parking Enforcement Inquiry.

- (a) **To discuss financial matters with the Accountant for DPE from Finance Unit**

This item was deferred to the next meeting with the consent of the Chair.

- (b) **To receive the report of the Sub-Groups held on 9 August 2005 and 17 August 2005**

The Panel considered the minutes of the two Sub-Groups held on 9 August and 17 August 2005.

The issue of Disabled Badge holders incorrectly displaying their badges was considered. This could be a security issue as if the photograph side of the badge was displayed it highlighted the fact that the person was not a home and therefore could be at risk from burglary. It was noted that there were instances of abuse of the Disabled Badges.

The Panel discussed drivers who parked in a selfish way, for example parking across two spaces. The number of these instances had reduced since the introduction of DPE.

Members noted that the number of PCN's/Car Park tickets sold was less than 1% from September 2004 and June 2005. The perception of the public that a larger number of people receiving PCN's than was actually the case needed to be addressed.

RESOLVED –

1. **That the Panel highlight to the Department of Transport the lack of clear guidance on the side of the Disabled Badge that should be displayed,**
2. **The perception of the public that a larger number of people receiving PCN's than was actually the case needed to be addressed.**

(c) To consider the report Penalty Charge Notice Processing – An Overview

The Panel received the report of the Parking Manager outlining the procedure for the processing of PCN's and the representation/adjudication process. A standard letter sent out when an appeal was successful was noted.

In response to a query the Members noted that the rate of successful debt recovery in other Local Authorities was around 70%.

RESOLVED – That the report be noted.

(d) To consider articles summarising the Childs report and report by the University of Birmingham

The Panel considered the articles "Wake up call for enforcers" and "Time to listen to some advice" regarding the recent Childs report and University of Birmingham research.

The Panel noted that a number of recommendations had been made geared towards changing the negative public perception of DPE. This perception was a national issue.

RESOLVED – That the articles be noted.

(e) To consider Information relating to drivers with disabled badges

The Panel considered the Blue Booklet given to drivers who received a disabled badge and a letter sent to a driver explaining why a PCN had been issued.

RESOLVED – That the information be noted.

(f) To receive an example of a Penalty Charge Notice

An example of a PCN was presented. The reason for the ticket to be issued, the penalty to be paid, instructions for payment and contact details for any queries were noted. The PA took a picture of the Pay and Display machine and the PCN placed on the vehicle in each instance.

RESOLVED – That the example of a PCN be noted.

(g) To examine Parking Attendant beat information

The Panel viewed the beat information for the Parking Attendants and noted that the Flat Iron Car Park appeared on two beats. In response to a query the Members were advised that if there were two PA's completing a beat together the second person would probably be either a supervisor or a PA receiving on the job training.

RESOLVED – That the report be noted.

(h) To arrange dates and location for the proposed site visit

Members discussed a venue for a site visit and noted that it was difficult to find a comparative authority to Chorley as other authorities with DPE were County or Unitary authorities. The Members expressed a wish to meet with the officers involved and if possible the Executive Member.

The Panel expressed a wish to visit an authority that had been operating DPE for a number of years to gain the benefits of their experience and any lessons learnt.

RESOLVED – That a site visit be held in October and that the questions to be asked at the site visit be considered at the Panel meeting in October.

(i) To arrange dates and times for Councillors to visit the Parking Manager and view the computer system

This item was deferred to the next meeting with the consent of the Chair.

(j) To examine publicity information for the public

Members considered draft leaflets entitled "Pavements are for People" and "Safer parking with your disabled badge". These would be used in certain situations were a driver had parked in an inconsiderate manner. It was noted that a Traffic Regulation Order needed to be in place for the PA to dispense a PCN.

The leaflets would be presented to the Disability Liaison Group and should be printed soon.

RESOLVED – That the leaflets be noted and supported.

(k) To consider questions for the questionnaire to seek the views of the public, Councillors and Parish Councillors

A questionnaire would be undertaken on behalf of the Panel, the questions to be asked were discussed:

1. The signs indicating parking restrictions are clearly visible and well maintained.
2. The regulations allowing loading and unloading of goods outside commercial premises are generally fair.
3. There is good provision of 'on-street' parking for residents without driveways and for their visitors.
4. The 'off-street' parking bay provision for people with disabilities is good.

5. The Parking Attendants are always around and about providing a visible deterrent against illegal parking.
6. The Parking Attendants provide effective enforcement cover for the outer and residential areas as well as the commercial area of the town.
7. The Parking Attendants are generally fair in their approach to parking enforcement.
8. The presence of the Parking Attendants around the town is generally helpful in providing assistance to people and in deterring crime.
9. The Parking Attendants are trustworthy and honest in their approach to the work of enforcing parking regulations.

RESOLVED – That the draft questions be sent to the company compiling the questionnaire.

05.CUS.48 OVERVIEW AND SCRUTINY WORK PROGRAMME

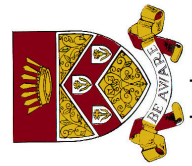
RESOLVED - That the Work Programme be noted.

05.CUS.49 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

With the consent of the Chair a Member of the Public who had attended the meeting discussed an incident of inconsiderate parking with the Panel.

Chair

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BUSINESS PLAN MONITORING STATEMENTS APRIL- JULY 2005

Contents

	Page
Property Services	3 - 4
Information Communication Technology Services	5 - 7
Customer, Democratic and Office Support Services	8-11

Note of Clarification

Key Performance Indicators:

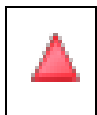
Symbols and Colours are used to provide a quick guide to how Service Units are performing against Key Performance Indicators:



= Green KPI Performance is better than target and the tolerances set for this indicator.



= Blue KPI Performance is on track and within the tolerances set for this indicator.



= Red KPI Performance is worse than target and the tolerances set for this indicator.

For further information on the way in which Performance Symbols are calculated please contact Jenny Rowlands (01257 515248) or Sarah Dobson (01257 515325) in Corporate and Policy Services.

BUSINESS PLAN MONITORING STATEMENT FOR THE PROPERTY SERVICES UNIT

FOR THE PERIOD April 2005 to July 2005

1. KEY MESSAGES

The summary of KPI performance is as follows:

	CURRENT POSITION	FORECAST OUTTURN
Number of green KPI's	2	1
Number of blue KPI's	3	8
Number of red KPI's	2	1
Number of KPI's not yet measured (year end)	3	0

2. BUDGET UPDATE

Latest budget projections suggest outturn in line with provision.

3. SERVICE DEVELOPMENTS

The major service development this year relates to outsourcing/partnering for both professional property services and markets functions. Both are on target for completion by the end of March 06. All other significant service developments are on target.

4. PERFORMANCE AGAINST UNIT KEY PERFORMANCE INDICATORS

Indicator Description	Performance 2004/05	Target 2005/06	Performance at July 05	Comments
BV 156 % buildings accessible to all users	76%	88%	78%	Coppull Leisure centre now in progress. Clayton Leisure centre due to start under new CLS contract later this year.
PR001 % buildings in satisfactory condition	90%	95%	Year end	
PR001 % planned maintenance prog. Completed	89%	100%	53%	
PR004a % market stalls vacant	30%	25%	35%	See note below.
PR004b % town centre shops vacant	7.3%	7.3%	5.8%	

PR005 % land registration complete & info available electronically	New indicator	50%	0%	Registration 50% complete and info will be made available electronically in one batch at the end of the exercise – circa Dec 2005.
PR006 % capital receipts from property disposals	New indicator	100%	23%	
PR007 % income received from property investments	New indicator	100%	24%	
PR008 energy consumption in Council buildings as a % of national benchmark	Electric 91.4	75%	Year end	
	Gas 38.2	50%	Year end	
PR009 % reduction in CO2 emissions	New indicator	2%	Year end	

5. **CONCLUSION**

The only indicator giving cause for concern at the moment relates to market occupancy. This is being addressed in the longer term through the procurement exercise and in the medium term by re-organisation of stalls on the Flat Iron and preparatory work for a move to Market Street.

Signature: R.P. Handscombe
 Head of Property Services

BUSINESS PLAN MONITORING STATEMENT FOR THE ICT SERVICES UNIT

FOR THE PERIOD APRIL to JULY 2005

1. KEY MESSAGES

The Unit continues to make progress against the eGovernment programme with both BVPI157 and the Priority Outcomes programme showing improvements.

Demand in the area of desktop support continues to outstrip supply and the perceived urgency of calls mirrors this as dependence upon ICT grows. This is a serious challenge to the Customer Services Team as they strive to achieve high levels of customer satisfaction.

A good deal of the Units resource has been directed at the opening of the new Contact Centre and the Accommodation programme.

Significant progress has been made in the Intranet redesign project and the new committee administration system 'Modern.Gov'.

April saw the Unit absorb the responsibility for telephony. At a time of significant staff moves this has impacted considerably on available resources with the administrative and technical requirements far outstripping previous requirements.

The Unit is working towards the adoption of SOCITM KPI's but has not made as the progress it would wish due to commitments in other areas.

	CURRENT POSITION	FORECAST OUTTURN
Number of green KPI's	1	6
Number of blue KPI's	0	0
Number of red KPI's	1	0
Number of KPI's not yet measured	4	0

2. BUDGET UPDATE

SERVICE LEVEL BUDGET MONITORING 2005/2006

INFORMATION & COMMUNICATION TECHNOLOGY SERVICES

July 2005

£'000

ORIGINAL CASH BUDGET	905
Add Adjustment for In Year Cash Movements	
Slippage from 2004/2005	
- Use of Earmarked Reserves	-
Transfer from Contingency	-
Cabinet approved decisions	-
Delegated Authority decisions	-
Correction of Accounting Error	4
ADJUSTED CASH BUDGET	909

Less Corporate Savings		-
Contribution to Corporate savings targets		-
		<hr/>
CURRENT CASH BUDGET		909
 FORECAST		
EXPENDITURE		
Salaries (Technician/E-Gov Prog Man/Cust Serv Assist.)	(55)	
Young Person's Development Programme	5	
Temporary Staff	48	
Telephones calls forecast	8	
Expenditure under (-) or over (+) current cash budget		6
 INCOME		
Telephones (private calls)	(6)	
Income under (+)/ over (-) achieved		(6)
 FORECAST CASH OUTTURN 2005/2006		 909

Key Assumptions

Young Person's Development Programme to be funded from salary saving. Cust Servs Assist post to be kept vacant.
 E-Gov Programme Manager post vacant until Jan 2006
 E-Gov Programme Manager cover until September
 Technician cover continues at current levels
 Income from private telephone calls will continue at current levels.

Key Issues/Variables

Key Actions

3. **SERVICE DEVELOPMENTS**

The Unit played a significant role in the Shared Services Contact Centre project. Opening deadlines have been met, a particular achievement given the fact we are the first to implement a unique solution within the partnership.
 A promising start has been made on the redesign of the Councils Intranet. Staff engagement has been excellent.

The new Customer Focussed Access and Service Design Strategy has been completed and approval gained for consultation.

The Unit has had a significant involvement in the implementation of key corporate projects within the eWorkforce programme such as the new Financials.

Work has begun on the specification of integration projects that will release back-office resource in the Environmental Services Unit.

Mobile working has been implemented in the Environmental Services Unit for the Neighbourhood Wardens and is delivering appreciable efficiencies. The system has been well received by the Wardens and it is expected further work will be done to extend its effectiveness.

The ICT Strategy Review is almost complete with a draft consultation document expected by October.

4. PERFORMANCE AGAINST UNIT KEY PERFORMANCE INDICATORS

Indicator Description	Performance 2004/05	Target 2005/06	Performance at 30 June 05	Comments
BVPI157	92%	100%	95%	Gap analysis has been performed.
Customer Satisfaction	90%	92%	75%	Low response rate allows figures to be skewed by small number of adverse comments. Workload had affected ability to respond and, therefore, satisfaction.
Calls resolved within agreed timescales	Not measured	80%	Not measured	Service Level Agreements to begin December 2005
How much do we pay for a PC?	Not measured	£750	Not measured	Annual KPI
Server Availability	Not measured	98.9%	Not measured	Software and hardware in place. Monitoring to begin Sept05.
Network Availability	Not measured	98.9%	Not measured	

5. CONCLUSION

Progress is being made in many areas but commitment to project work has resulted in limited progress in unit tasks such as KPI measurement. Some progress has been made however and it is hoped that the reporting of availability will be possible for the next monitoring report.

Tim Murphy

HEAD OF ICT SERVICES

**BUSINESS PLAN MONITORING STATEMENT FOR THE
CUSTOMER DEMOCRATIC & OFFICE SUPPORT SERVICE UNIT**

FOR THE PERIOD APRIL TO JULY

1. KEY MESSAGES

This period has seen a number of major events for the Unit. The call centre has gone live making “Contact Chorley” a reality. The best value review “Customer Access and focus” was concluded and as we now know awarded the Council 'excellent' access to its services” and “‘excellent' prospects for further improvements ...” The Unit has successfully managed the General Election and County Council elections and has made progress in areas such as Area Forums’ Procurement Strategy and e-workforce.

	CURRENT POSITION	FORECAST OUTTURN
Number of green KPI's	2	5
Number of blue KPI's	2	3
Number of red KPI's	3	0
Number of KPI's not yet measured	1	0

2. BUDGET UPDATE

July 2005 **£'000**

ORIGINAL CASH BUDGET 2,931

Add Adjustments for In year cash movements

Slippage from 2004/2005
 - Use of Earmarked Reserves 151

Virements (to)/from other Services
 - Transfer of Allpay to Finance (50)

Transfer from contingency - additional salary costs

Other

Cabinet approved decisions

Delegated Authority decisions

- Accomodation Project Costs *

ADJUSTED CASH BUDGET **3,032**

Less Corporate Savings

Contribution to Corporate savings targets

- Salaries savings

CURRENT CASH BUDGET **3,032**

FORECAST

EXPENDITURE

Staffing costs - Office Support Services	(48)
Software/equipment - Office Support Services	8
Staffing costs - Corporate Procurement	(6)
Staffing costs - Democratic Services	(7)
Office Accommodation - King Street	16
Office Accommodation - Duxbury	43
Roses Marketplace Licence	5

INCOME

FORECAST CASH OUTTURN 2005/2006 **3,043**

Key Assumptions

- use of King St Offices to end of September
- use of Duxbury Offices to end of December

Key Issues/Variables

-

Key Actions

3. SERVICE DEVELOPMENTS

The Unit continues to develop in all its key areas and August is a key month for the Unit with a number of major projects going live. Contact Chorley will see the introduction of the Customer Relations Manager software. Democratic Services goes live with its Accessing Democracy project. The new intranet "theloop" will be launched and the new flexi system, which will impact on all staff, is rolled out.

4. PERFORMANCE AGAINST UNIT KEY PERFORMANCE INDICATORS

APRIL - MAY

Indicator Description	Performance 2004/05	Target 2005/06	Performance at 31 May 05	Comments
Satisfaction – Contact centre	*	90%	–	New indicator data not available for first 2 months.
Customers seen within 10 mins at One Stop Shop	*	100%	81.5%	
Sickness Absence	4.3	8.90	1.48	Target based on introduction of new Democratic services software due to go live 22 August 05
Reports & Agendas Published online	*	75%	50%	
Minutes published within 5 working days	*	75%	50%	
Procurement Milestones achieved	*	85%	–	Quarterly Indicator
Number of press releases issued		200	–	Quarterly Indicator
Satisfaction with Service to Service Heads		85%	–	Yearly Indicator

* Indicates new PI

JUNE - JULY

Indicator Description	Performance 2004/05	Target 2005/06	Performance at 30 June 05	Comments
Satisfaction – Contact centre	*	90%	99.3%	
Customers seen within 10	*	100%	79.8%	

mins at One Stop Shop	4.3			
Sickness Absence	*	8.90	0.56	
Reports & Agendas Published online	*	75%	52.5%	Target based on introduction of new Democratic services software due to go live 22 August 05
Minutes published within 5 working days	*	75%	52.5%	Target based on introduction of new Democratic services software due to go live 22 August 05
Procurement Milestones achieved	*	85%	38% First Quarter	
Number of press releases issued		200	54 First Quarter	
Satisfaction with Service to Service Heads		85%		Yearly Indicator

* Indicates new PI

5. **CONCLUSION**

Signature: _____

MARTIN O'LOUGHLIN
 HEAD OF CUSTOMER, DEMOCRATIC & OFFICE SUPPORT SERVICES

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Report of	Meeting	Date
Head of Corporate and Policy Services	Customer Overview and Scrutiny Panel	5/10/05

ANALYSIS OF COMPLAINTS TO THE CHIEF EXECUTIVE AND LOCAL GOVERNMENT OMBUDSMAN 2004/05

PURPOSE OF REPORT

- To provide the Panel with an analysis of complaints referred to the Chief Executive and Local Government Ombudsman in 2004/05.

CORPORATE PRIORITIES

- The subject of complaints clearly has a very strong link to the Council's corporate priority of serving the customer better. Complaints can be a very useful source of learning in seeking to improve the services we offer in the future.

RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation	✓	Regulatory/Legal	
Financial		Operational	✓
People		Other	

BACKGROUND

- Complaints can be particularly damaging to the Council's reputation and it is important that we deal with complainants promptly, courteously and thoroughly. Even where a complaint is not upheld it is important that we explain the reasons for our decision fully and provide advice on further routes the complainant can take if they are still not satisfied.
- As indicated above complaints are an important source of learning for us. We must recognise this and seek to improve procedures and practices where appropriate.

COMPLAINTS PROCEDURE

- The Council's complaints procedure has three levels. In the first instance a complainant is invited to complain to the Service Head responsible for the activity/service which has generated the complaint.
- If the complainant is not satisfied with the response received they are advised of their right to refer the matter to the Chief Executive (the second level). These complaints are investigated on behalf of the Chief Executive by Corporate and Policy Services.



8. If following this investigation the complainant is still not satisfied they are invited to refer the matter to the Local Government Ombudsman (the third level). The Ombudsman is an independent third party and their services are free. Corporate and Policy Services act as the contact point between the ombudsman and the Council and ensure all relevant information is provided to facilitate the investigation.

ANALYSIS OF COMPLAINTS 2004 – 05

9. Unfortunately we do not currently capture data on complaints made to Service Units at level one. It is, however, hoped that this will change as the Customer Relationship Management (CRM) system is introduced as part of the ongoing development of the Contact Centre.
10. Appendices A and B do, however, provide an analysis of complaints to the Chief Executive and Ombudsman respectively during 1004/05.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

- 11 None.

COMMENTS OF THE DIRECTOR OF FINANCE

12. None.

RECOMMENDATION

13. The panel are invited to consider and comment on the report. You may also wish to consider whether any further scrutiny of the issues raised would be appropriate.

TIM RIGNALL
HEAD OF CORPORATE AND POLICY SERVICES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Tim Rignall	5140	1.9.05	CPSREP/90171JM2

Chorley

Borough Council



**COMPLAINTS
MONITORING REPORT TO
CUSTOMER OVERVIEW AND
SCRUTINY
April 2004 - March 2005**

CONTENTS

1. Introduction

Page 3

2. Notes of Clarification

Page 4

3. Total number of complaints received by the Chief Executive Office, broken down by Service Area

Page 5

4. Detailed breakdown of complaints received by the Chief Executive's Office (including outcomes/action taken)

Pages 6-

1. INTRODUCTION

This report details those complaints referred to the Chief Executive during 2004/2005 financial year. These complaints are investigated, on behalf of the Chief Executive, by Corporate and Policy Services.

Complaints, Comments and Compliments are important to the authority, as the information that they provide can serve as a useful feedback on our services and how they impact on the community we serve. By using this information we can improve our services and become more responsive to customers needs and concerns. By handling complaints in line with best practice we can demonstrate our commitment to customer care, and to continuous improvement.

As a Council we utilise the following definition of a complaint:

'An expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council'.

Generally, and for the purposes of this report, a complaint is distinguished from a request for service such as pest control or reporting a defect such as faulty street lighting.

2. NOTES OF CLARIFICATION

In those instances where a complainant has referred to the activity of more than one Unit or Service area in their complaint, each separate aspect of the complaint against separate units or service areas will be recorded as a complaint, for monitoring purposes. The purpose of this is to ensure that the information provided about each distinct service area by complainants can be used to inform service improvements.

The response date recorded for the purpose of this report is the date on which a full response was sent. Reference is not made to any contact informing the complainant of progress made in the investigation of their complaint, or of requests for additional information, which can, on occasions, delay responses. When such delays occur we endeavour to keep complainants updated regarding progress made.

Those units against which no complaints have been referred to the Chief Executive, are not included in this report.

Corporate Complaints

The Chief Executive deals with three types of complaints:

Stage 1: Complaints formally registered for the first time:

This type of complaint should be referred to the Service Unit concerned; however, on occasion these are referred directly to the Chief Executive's Office.

If a complaint is referred to the Chief Executive at this stage, it may be passed directly to the Unit concerned to respond, or the Chief Executive may respond in liaison with the Unit.

Those Stage 1 complaints recorded below are just the ones received and investigated by the Chief Executive's Office, not those referred directly to units.

Stage 2: If the customer is not satisfied with the response received from the Unit concerned, they are offered the opportunity to complain to the Chief Executive's Office.

Stage 3: Complaints referred to the Local Government Ombudsman. Those complainants, who remain dissatisfied with the response received from the Chief Executive's Office, may refer their complaint to the Local Government Ombudsman for investigation. Complaints of this nature are handled by Corporate and Policy Services on behalf of the Chief Executive.

Timescales:

The investigating officer should ensure that all complaints are acknowledged in writing within five working days of the complaint being made. The complaint should be investigated and a response should be sent within ten working days of receipt. Where it is clear that investigation of a complaint will take longer than ten working days a letter of explanation should be sent, within ten days, and the complainant should be kept informed of progress at regular stages whilst the investigation is ongoing.

If a complainant is dissatisfied with the response received from the Chief Executive they will be informed that the Council's complaints procedure has been exhausted. The complainant will be informed of their right to complain to the Local Government Ombudsman. Those complaints referred to and investigated by the Local Government Ombudsman will form part of a separate report.

When dealing with those complaints directed to the Chief Executive by the Local Government Ombudsman, responses are scheduled according to the timescales set out by the Local Government Ombudsman, in some instances these may differ from those set out in the Council's complaints policy.

3. TOTAL NUMBER OF COMPLAINTS RECEIVED, BROKEN DOWN BY SERVICE AREA

UNIT	TOTAL NUMBER OF COMPLAINTS	AVERAGE RESPONSE TIME (WORKING DAYS)
ENVIRONMENTAL SERVICES	7	8 Days
FINANCE	6	11 Days
HOUSING SERVICES	2	25 Days
PLANNING SERVICES	10	11 Days
PROPERTY SERVICES	3	11 Days
PUBLIC SPACE SERVICES	15	10 Days

Note: The length of time taken to send a full response to a complaint can vary according to the nature of the complaint. Those complaints that are complex in nature tend to involve ongoing contact with the complainant and various bodies and may elicit a longer period of time before a final response can be sent, this, along with the relatively small number of complaints relating to particular units may account for some of the variations in average response times between different units.

As those complaints referred to the Local Government Ombudsman are not detailed in this report the total number of complaints recorded above does not account for all of those complaints that pass stage two of the Council's complaints procedure. For details of those complaints referred to the Local Government Ombudsman please see the Ombudsman's report under a separate cover.

Average Response Time for all Service Areas:

12 Days

4. DETAILED BREAKDOWN OF COMPLAINTS RECEIVED BY THE CHIEF EXECUTIVE'S OFFICE

Environmental Services

DATE RECEIVED	DATE OF REPOSE	DESCRIPTION	OUTCOME/ ACTION TAKEN
25/04/2004	06/05/2004	Failure to effectively deal with Motorcycle nuisance.	Request to Lancashire County Council that post and rail fence around the site is extended. Proposed erection of landscaping and stock fence. Possibility of initiating a grazing license to protect land and prevent access explored. Vandal proof signage issued. Continue to pursue possibility of provision of two legitimate sites for 'off road' motorcycling
02/06/2004	21/06/2004	Failure to collect compost bin and dissatisfaction with response received from Service Head	Complaint not upheld as proper practice had been followed. Visit by Environmental Services to complainant to discuss brown bin recycling scheme. Advice issued to complainant regarding how best to deal with missed collections.
08/07/2004	21/07/2004	Complaint regarding the inappropriate use of a letter warning of enforcement action regarding additional waste citing the inappropriate and offensive wording of letter.	Withdrawal of offending letter from circulation, warning letters no longer to be issued. Apology issued.
07/03/2005	10/03/2005	Failure to take proper enforcement action regarding noise nuisance from adjoining property	Complaint not upheld as proper procedure had been followed and no nuisance identified. Ongoing contact with complainant regarding various welfare issues identified. Environmental Services and Corporate and Policy Services liaising with complainant, GP and Age Concern to address welfare issues.
04/03/2005	16/03/2005	Failure to take appropriate preventative and	Special patrols instigated in area. Offer to meet with

	5	enforcement action regarding fouling of the public highway.	complainant to discuss problem issued. Explanation of enforcement policy issued.
27/10/2004	05/11/2004	Complaint regarding perception that Environmental Services had recommended a contractor to work with asbestos who subsequently failed to meet requirements.	Complaint not upheld. Explanation issued that although the Service had provided contact details of those contractors in the area who held an asbestos license this did not constitute a recommendation. Clean up of area undertaken as a gesture of goodwill.
TOTAL: 6			

Finance

DATE RECIEVED	DATE OF REPOSE	DESCRIPTION	OUTCOME/ACTION TAKEN
10/11/2004	26/11/2004	Allegation of inaccurate record keeping regarding Housing Benefits and ensuing stress caused to complainant.	Complaint not upheld as best practice and national guidelines had been followed. Full explanation of record keeping requirements issued to complainant. Complaint referred to District Auditor and Local Government Ombudsman by complainant.
26/10/2004	12/11/2004	Dissatisfaction regarding action taken to recover outstanding Council Tax Payments. Inappropriate referral of an attachment to earnings order to employers and failure subsequent failure to mark attachment to earning order as private or confidential or to mark for specified person's attention.	Complaint regarding enforcement action not upheld. All future attachment to earning orders to be referred to Payroll manager and marked as confidential
10/12/2004	14/01/2005	Dissatisfaction regarding action taken to recover outstanding Council Tax Payments.	Complaint not upheld, action taken in line with National Requirements. Explanation issued regarding criteria for recovery action.
21/02/2005	07/03/2005	Action taken to refer outstanding debts to a	Complaint not upheld, action taken in line with National

	5	firm of bailiffs	Requirements. Explanation issued regarding criteria for recovery action.
12/02/2005	12/02/2005	Dissatisfaction regarding action taken to recover outstanding Council Tax Payments.	Complaint not upheld. Detailed explanation of action provided. Outstanding amount subsequently paid in full.
08/03/2005	14/03/2005	Dissatisfaction with the Housing Benefits Service individual case review arrangements. Complaint regarding customer service.	Drafting of clearer explanation of the criteria for review selection to be provided to staff. Detailed explanation of selection process issued to complainant.
TOTAL: 6			

Housing Services

DATE RECIEVED	DATE OF REPONSE	DESCRIPTION	OUTCOME/ACTION TAKEN
08/03/2005	01/04/2005	Dissatisfaction regarding previous Housing Maintenance operative Staff Bonus Scheme	Details of bonus scheme provided in line with requirements of the Freedom of Information act.
30/06/2004	16/08/2004	Inappropriate enforcement action regarding smoke nuisance complaints. Ongoing contact with complainant before final response issued.	Complaint not upheld. Tri-Party meeting held with interested parties and independent advisory body, advice issued to bring a resolution to issue.
TOTAL: 2			

Planning

DATE RECIEVED	DATE OF REPONSE	DESCRIPTION	OUTCOME/ACTION TAKEN
29/06/2004	08/07/2004	Complaint regarding decision to refuse a planning application, allegation of differential treatment, unjustified change in land use allocation	Complaint not upheld. Detailed explanation of planning regulations issued. Complainant informed of right to appeal to the secretary of state with regards to the refusal of a planning application
09/08/2004	15/09/2004	Objection to a grant of Planning Permission, Complaint regarding staff conduct.	Complaint not upheld procedures correctly followed. Complainant offered opportunity to refer complaint to Local Government Ombudsman.
20/08/2004	03/09/2004	Objection to grant of Planning Permission	Complaint not upheld. Complainant offered opportunity to refer complaint to Local Government Ombudsman.
15/11/2004	25/11/2004	Failure to take appropriate Planning Enforcement action	Complaint not upheld. Complainant offered opportunity to refer complaint to Local Government Ombudsman
17/09/2004	04/10/2004	Planning Permission regarding a telecommunications development. Dissatisfaction with response from Planning Services.	Explanation to complainant regarding the planning rules for telecommunications developments, ongoing lobbying of Central Government to amend legislation with regard to telecommunications developments. Apology issued for any lack of clarity in previous explanations of the system and process.
30/11/2004	23/12/2004	Objection to planning permission, inadequate enforcement of planning controls and failure to respond to correspondence.	Ongoing monitoring of site in question, apology for failure to respond to correspondence.
06/12/2004	23/12/2004	Objection to planning decision, lack of response to correspondence	Explanation of planning regulations issued. Apology issued to complainant with regards to the failure to respond to correspondence. Complainant provided with details of the Local Government Ombudsman.

17/12/2004	23/12/2004 4	Planning Enforcement	Ongoing monitoring of site and materials referred to by complainant. Complainant offered opportunity to refer complaint to Local Government Ombudsman.
11/01/2005	17/01/2005 5	Failure to properly enforce planning conditions for new development.	Detailed explanation issued to complainant regarding ongoing development of the site and those issues, which are being resolved in order to meet planning requirements.
16/03/2005	04/05/2005 5	Objection to a Planning decision	Complaint not upheld, complainant issued with advice regarding planning guidelines.
TOTAL: 10			

Property Services

DATE RECIEVED	DATE OF REPOSE	DESCRIPTION	OUTCOME/ACTION TAKEN
21/04/2004	13/05/2004	Complaint that an excessive amount of time was taken to reach a conclusion regarding the exercise of a Compulsory Purchase Order. Failure to respond to correspondence.	Change to future property transactions to ensure that interested parties are kept better informed of progress made in negotiations with regard to Compulsory Purchase Orders.
26/04/2004	10/05/2004	Failure to respond effectively to reports of Motorcycle Nuisance on Council Property.	Request to LCC that post and rail fence around the site is extended. Proposed erection of landscaping and stock fence. Possibility of initiating a grazing license to protect land and prevent access. Vandal proof signs issued. Continue to pursue possibility of provision of two legitimate sites for 'off road' motorcycling
15/11/2004	25/11/2004	Complaint regarding the failure to consult residents over the potential to license a site and regarding previous advice issued stating that covenants prevented the fencing of land.	Apology issued, along with a commitment to consult fully with residents on future land use.

TOTAL: 2

Public Space Services

DATE RECEIVED	DATE OF RESPONSE	DESCRIPTION	OUTCOME/ACTION TAKEN
26/05/2004	09/06/2004	Complaint regarding the quality of the Grass Cutting Service.	Details from complainant used to inform Overview and Scrutiny enquiry into the grass cutting service, which was launched as a result of a high number of complaints received. Recommendations of Scrutiny panel implemented. Full response sent to complaint.
02/06/2004	21/06/2004	Missing signage on residential street, Inadequate maintenance of Public Highway, failure to take effective action to tackle congestion, excessive traffic calming measures.	Complainant advised of ongoing activity to tackle problems with congestion in cited area. Apology issued regarding missing signage and order placed to replace. Repairs instigated on damaged stretch of highway. Explanation issued regarding traffic calming measures, offer issued to meet complainant to discuss issued further.
15/07/2004	16/07/2004	Failure to take effective action regarding Tree Maintenance on the public highway, Inappropriate staff conduct.	Correspondence sent to those parties responsible for maintenance of trees threatening legal action if trees are not properly maintained. Staff member involved given guidance on the requirements of the customer charter.
18/06/2004	06/07/2004	Complaint that Arboricultural Maintenance Activity was excessive leading to removal of plants from Duxbury Park, which was not necessary.	Complaint not upheld, plants in question diseased. Detailed explanation issued to complainant regarding activity.
07/07/2004	21/07/2004	Complaint regarding the quality of the Grass Cutting Service, Lack of response to correspondence.	Details from complainant used to inform an Overview and Scrutiny enquiry into the grass cutting service, which was launched as a result of a high number of complaints received. Recommendations of Scrutiny

			panel implemented. Full response to complainant.
07/07/2004	21/07/2004	Gritting Service, Lack of Response to correspondence	Gritting Bin installed close to site in question. Apology issued for lack of response to correspondence, investigation into processes for dealing with complaints with in Public Space Services launched.
03/08/2004	05/08/2004	Objection to the removal of an A-Frame from the Public Highway	Complaint not upheld, Cost of removal fee waived, to enable matter to be brought to a close.
15/11/2004	25/11/2004	Complaint regarding the failure to consult residents over the potential to license a site and regarding previous advice issued stating that covenants prevented the fencing of land.	Apology issued, along with a commitment to consult fully with residents on future land use.
26/11/2004	03/12/2004	Delays incurred in undertaking repairs to a damaged gravestone	Apology issued for any distress caused to the complainant, works instigated as a matter of urgency.
29/11/2004	08/12/2004	Complaint that sufficient Street Lighting has not been installed on a new residential development.	Explanation offered to complainant regarding the process of adopting a site and the responsibility for street lighting at current stage of development.
03/12/2004	20/12/2004	Complaint regarding the quality of the Grass Cutting Service, Lack of response to correspondence.	Mail logging system implemented in Public Space Services to address problems regarding failures and delays incurred in responding to correspondence. Meeting arranged between complainant and representative from Public Space Services to bring about satisfactory conclusion to issue.
23/12/2004	08/02/2005	Damage to property caused by grease and oil deposits from a neighbouring business. Failure of Public Space Services to properly enforce regulations and to properly maintain gullies.	Ongoing contact between representative of Public Space Services and complainant to resolve issue. Letter sent to offending business threatening enforcement action if discharges onto public highway continue, ongoing legal action to be pursued.
10/02/2005	02/03/2005	Complaint regarding the development of	Complaint not upheld. Complainant issued with contact

		Brinscall Linear Park undertaken in partnership with Groundwork	details to discuss any ongoing concerns. Maintenance schedule issued to meet the concerns expressed by the complainant. Contact ongoing between complainant and Public Space Services
25/02/2005	10/03/2005	Failure to properly maintain the public highway resulting in damage to vehicle, Lack of response to correspondence (via email).	Complaint regarding maintenance of highway redirected to Lancashire Highways Partnership to be pursued as compensation claim. Investigation into handling of complaint received via email instigated. Agreement with Public Space Services that all complaints directed via the website in email and sent to the Lancashire Highways Partnership trigger a detailed explanation to complainants that email is sent to the Lancashire Highways partnership and are not acknowledge as a matter of course but rather action is generally instigated without contact.
17/11/2004	08/12/2004	Failure to take appropriate action regarding the flooding of residential property. Failure to respond to correspondence.	Enforcement action to be taken against those utilising unauthorised drainage connections to the surface water system. Piece of work initiated to consider the practicalities of increasing the capacity of drainage to the property in question. Apology issued for failure to respond to correspondence, to form part of ongoing review of the way in which such correspondence is dealt with.
25/02/2005	10/03/2004	Complaint regarding perceived failure to maintain the Public Highway to requires standards resulting in damage to a vehicle. Failure to respond to email correspondence.	Complaint regarding failure to maintain Public Highway not upheld. Apology issued for failure to respond to email correspondence, investigation of process for dealing with complaints received via email ongoing. Agreement reached that all emails sent to Lancashire Highways partnership via Chorley Borough Council's

			website will contain text explaining the process for dealing with complaint through the Highways Partnership.
15/11/2004	25/11/2004	Complaint regarding failure to consult residents over the potential to license a site and regarding previous advice issued stating the covenants prevented the fencing of Land.	Apology issued along with a commitment to consult fully with residents on future land use.
TOTAL: 17			

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Notes to assist interpretation of the Commission's local authority statistics

1. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and which we refer back to the council for consideration. The figures may include some complaints which we have received but where we have not yet contacted the council.

2. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice. (The figures for the year 2002/3 may include reports which had a finding of 'local settlement'. For legal reasons, the LGO no longer issues reports with this finding.)

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

Complaints received by subject area	Highways	Housing (not incl. HB)	Housing Benefit	Local Taxation	Other	Planning	Total
01/04/2004 - 31/03/2005	5	4	1	3	6	12	31
2003 / 2004	0	0	0	0	3	10	13
2002 / 2003	1	8	0	0	3	6	18

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2004 - 31/03/2005	0	2	0	0	6	5	2	11	15	26
2003 / 2004	0	1	0	0	7	1	0	6	9	15
2002 / 2003	0	3	0	0	8	3	2	4	16	20

See attached notes for an explanation of the headings in this table.

Average local authority response times 01/04/2004 to 31/03/2005

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2004 - 31/03/2005	8	23.4
2003 / 2004	3	45.0
2002 / 2003	6	21.8

Types of authority	<= 21 days %	22 - 28 days %	> = 29 days %
District Councils	21	39	40
Unitary Authorities	11	24	65
Metropolitan Authorities	17	44	39
County Councils	12	47	41
London Boroughs	9	21	70
National Parks Authorities	60	20	20

Ref no	Date revd by LGO	Surname	Decision Date	Detailed Category
Highways				
04C01247	27/04/2004	Blakey	02/07/2004	Highways
04C07426	11/08/2004	Southworth	14/10/2004	Highways
04C09456	17/09/2004	Harasimiuk	28/09/2004	Highways
04C14825	11/01/2005	Harasimiuk	Still open	Highways
04C17041	21/02/2005	Wilson	24/02/2005	Highways
Group total:				
			5	
Housing (not incl. HB)				
04C01774	05/05/2004	Cadman	10/05/2004	Housing sales/leaseholds
04C13407	30/11/2004	Hill	08/02/2005	Housing sales/leaseholds
04C08430	01/09/2004	Wilson	24/11/2004	Regeneration/improvement
04C17608	14/02/2005	Wilson	Still open	Regeneration/improvement
Group total:				
			4	
Housing Benefit				
04C11957	01/11/2004	Dickinson	09/11/2004	Housing benefit
Group total:				
			1	
Local Taxation/Council Tax Benefit				
04C04164	16/06/2004	Watnough	21/06/2004	Council tax benefit
04C10012	30/09/2004	Gibson	08/02/2005	Local taxation
04C11630	25/10/2004	Green	17/12/2004	Local taxation
Group total:				
			3	
Other				
04C10041	30/09/2004	Bates	05/10/2004	Building control

Ref no	Date revd by LGO	Surname	Decision Date	Detailed Category
04C15225	18/01/2005	Bates	14/02/2005	Building control
04C06226	21/07/2004	Yates	28/07/2004	Death
04C13258	30/11/2004	Riding	10/12/2004	Leisure & recreation
04C17167	23/02/2005	Holden	28/02/2005	Leisure & recreation
04C00306	07/04/2004	Williams	27/08/2004	Miscellaneous
Group total:		6		
Planning				
04C03466	07/06/2004	Farley	21/07/2004	Consideration/neighbour amenity
04C05700	13/07/2004	Willacy	14/07/2004	Consideration/neighbour amenity
04C06956	02/08/2004	Wallis	06/08/2004	Consideration/neighbour amenity
04C07001	03/08/2004	Willacy	10/01/2005	Consideration/neighbour amenity
04C10092	01/10/2004	Wallis	03/11/2004	Consideration/neighbour amenity
04C12308	08/11/2004	Price	22/12/2004	Consideration/neighbour amenity
04C15248	19/01/2005	Worsley	Still open	Consideration/neighbour amenity
04C16467	09/02/2005	Fisher	Still open	Consideration/neighbour amenity
04C01222	26/04/2004	Cheetham	15/07/2004	Enforcement
04C18099	14/03/2005	Chivers	15/03/2005	Enforcement
04C12277	10/11/2004	Cox	04/04/2005	Refusal of planning permission
04C13527	06/12/2004	Farnworth	21/12/2004	Refusal of planning permission
Group total:		12		
Grand total:		31		

Decisions - 01/04/2004 to 31/03/2005: Chorley BC

Detailed Category

Main subject area

Decision Date

Surname

Ref no **Date rcvd**
by LGO

LS (Local Settlements)

04C08430	01/09/2004	Wilson	24/11/2004	Housing (not incl. HB)	Regeneration/improvement
04C11630	25/10/2004	Green	17/12/2004	Local Taxation/Council Tax Ben	Local taxation

Group total: 2

No mal (No or insufficient evidence of maladministration)

04C01247	27/04/2004	Blakey	02/07/2004	Highways	Highways
04C07426	11/08/2004	Southworth	14/10/2004	Highways	Highways
04C03466	07/06/2004	Farley	21/07/2004	Planning	Consideration/neighbour amenity
04C10092	01/10/2004	Wallis	03/11/2004	Planning	Consideration/neighbour amenity
04C12308	08/11/2004	Price	22/12/2004	Planning	Consideration/neighbour amenity
04C07001	03/08/2004	Willacy	10/01/2005	Planning	Consideration/neighbour amenity

Group total: 6

Omb disc (Ombudsman's Discretion)

04C10012	30/09/2004	Gibson	08/02/2005	Local Taxation/Council Tax Ben	Local taxation
04C15225	18/01/2005	Bates	14/02/2005	Other	Building control
04C06226	21/07/2004	Yates	28/07/2004	Other	Death
04C00306	07/04/2004	Williams	27/08/2004	Other	Miscellaneous
04C01222	26/04/2004	Cheetham	15/07/2004	Planning	Enforcement

Group total: 5

Outside jurisdiction

04C13407	30/11/2004	Hill	08/02/2005	Housing (not incl. HB)	Housing sales/leaseholds
04C13527	06/12/2004	Farnworth	21/12/2004	Planning	Refusal of planning permission

Group total: 2

Premature complaints

04C09456	17/09/2004	Harasimuk	28/09/2004	Highways	Highways
04C17041	21/02/2005	Wilson	24/02/2005	Highways	Highways
04C01774	05/05/2004	Cadman	10/05/2004	Housing (not incl. HB)	Housing sales/leaseholds

Decisions - 01/04/2004 to 31/03/2005: Chorley BC

Ref no	Date rcvd by LGO	Surname	Decision Date	Main subject area	Detailed Category
04C11957	01/11/2004	Dickinson	09/11/2004	Housing Benefit	Housing benefit
04C04164	16/06/2004	Watmough	21/06/2004	Local Taxation/Council Tax Ben	Council tax benefit
04C10041	30/09/2004	Bates	05/10/2004	Other	Building control
04C13258	30/11/2004	Riding	10/12/2004	Other	Leisure & recreation
04C17167	23/02/2005	Holden	28/02/2005	Other	Leisure & recreation
04C05700	13/07/2004	Willacy	14/07/2004	Planning	Consideration/neighbour amenity
04C06956	02/08/2004	Wallis	06/08/2004	Planning	Consideration/neighbour amenity
04C18099	14/03/2005	Chivers	15/03/2005	Planning	Enforcement
Group total:			11		

Grand total: 26

Ref no	Date rcvd by LGO	Surname	Date enquiry sent to Council	Date response received	Time taken (calendar days)	Detailed Category
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Highways

04C07426	11/08/2004	Southworth	20/08/2004	17/09/2004	28	Highways
04C14825	11/01/2005	Harasimiuk	22/02/2005	21/03/2005	27	Highways

Group total: 2 Average no. of days to respond for Group: 27.5

Housing (not incl. HB)

04C08430	01/09/2004	Wilson	09/09/2004	01/10/2004	22	Regeneration/improvement
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Group total: 1 Average no. of days to respond for Group: 22.0

Local Taxation/Council Tax Benefit

04C10012	30/09/2004	Gibson	30/11/2004	17/12/2004	17	Local taxation
04C11630	25/10/2004	Green	03/11/2004	08/11/2004	5	Local taxation

Group total: 2 Average no. of days to respond for Group: 11.0

Other

04C00306	07/04/2004	Williams	26/05/2004	15/06/2004	20	Miscellaneous
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Group total: 1 Average no. of days to respond for Group: 20.0

Planning

04C15248	19/01/2005	Worsley	27/01/2005	23/02/2005	27	Consideration/neighbour amenity
04C12277	10/11/2004	Cox	09/12/2004	19/01/2005	41	Refusal of planning permission

Group total: 2 Average no. of days to respond for Group: 34.0

Grand total: 8

Average no. of days to respond: 23.4

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*Consultation on the Smokefree
Elements of the Health
Improvement and Protection
Bill*

This is a summary of the Government's consultation paper on workplace smoking restrictions, including guidance from your area's Smoke-Free Alliance (these partnerships are also sometimes known as tobacco control alliances). Each part of the consultation document summary is followed by a brief **analysis** in blue. **Recommendations** for action by potential respondents are then given in red bold. This is just a guide, and you are of course free to shape your response to the questions as you feel is appropriate.

It is advisable that before responding you read the full guidance given here and access the complete text at www.dh.gov.uk/consultations/liveconsultations if possible.

You may also find it helpful to discuss likely local consequences with us at the Smoke-Free Alliance— contact details at the end of this guide.

The consultation relates to the proposals in the Choosing Health white paper, to introduce a ban on smoking in workplaces with the exception of some residential environments, private clubs, and non-food-serving pubs. The consultation runs from 20 June to 5 September 2005 and applies only to England.

Analysis

The consultation formally relates to the Choosing Health proposals for a partial ban, but our analysis is that the Government is willing to listen to responses that may encourage more comprehensive action. However, they will need to have substantial detailed evidence to support any public change of direction, and it is vital that all relevant organisations respond in detail. Many local authorities and PCTs will be members of smoke-free alliances or similar multi-agency groups that will submit joint responses, but it is important that statutory bodies respond individually too – both quality and quantity are necessary.

Recommendation

In drafting your response, please bear in mind that the key goal is to provide reasons for a strengthened approach. These need to be adequately evidenced, but preferably

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

**also readily quotable. Please don't miss the opportunity to respond to the Partial
Regulatory Impact Assessment as well as the set 16 questions.**

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill - a guide to responding from the Smoke-Free Alliance

Proposed definition of smoke or smoking

“Smoke’ means smoke tobacco or any substance or mixture which includes it; and a person is taken to be smoking if the person is holding or otherwise in possession or control of lit tobacco or any lit substance or mixture which includes tobacco.”

Question 1: Does this definition raise any concerns, in particular that non-tobacco cigarettes are not covered?

Analysis
This is a largely helpful definition as it will include cigarettes, pipes, cigars, hookahs etc. There may, however, be the potential for confusion as regards ‘herbal’ cigarettes that may not contain tobacco.
Recommendation
This proposal should be accepted, although it may be sensible to request the definition be broadened to any lit product that <i>reasonably appears</i> to be tobacco.

Proposed definition of enclosed

A place is to be regarded as ‘enclosed’ if it is fully enclosed (completely enclosed on all sides by solid floor-to-ceiling walls, windows, or solid floor-to-ceiling partitions with an exception for doors and passageways), or is substantially enclosed, that is at least partially covered by a roof and has walls such that the total area of the roof and wall surfaces exceeds 70 per cent of the total notional roof and wall area.

It is proposed that both “roof ” and “wall” will include any structure, whether fixed or movable, permanent or temporary. It is proposed that the “total notional roof and wall area” will be the sum of what would be the total area of the wall surfaces if the walls were continuous (any gap in the walls being filled by a surface of the minimum area required for the purpose) and the walls were of a uniform height equal to the lowest height of the roof.

Question 2: Views are invited on this approach to defining “enclosed”. Does it give the owners of likely premises and enforcement authorities a sufficiently clear definition? If not, how might it be improved? Are there concerns that loopholes are being created?

Analysis
A precise definition is likely to be helpful in avoiding some of the approaches attempted by some premises in order to avoid the ban in Ireland. However, responses as to whether the 70% rule is sufficiently clear would be helpful – if enforcement officers have to carry out complex calculations, this may not provide the clarity required.
Recommendation
The proposal should be welcomed, if necessary with any additional suggestions as to whether the 70% rule is adequate.

**Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance**

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Other public places and workplaces that might fall outside the definition of “enclosed” which might be smokefree

It is proposed to create regulation-making powers to allow the legislation to apply in places which may not fall strictly within the definition of “enclosed” in the legislation but where there is risk of harm from secondhand smoke due to the inevitable close grouping together of people. Examples might be sports stadia and other outdoor areas such as bus shelters, entrances or exits to public buildings or workplaces.

Question 3: Views are invited on this proposal

Analysis

This goes substantially beyond the priority issues of indoor exposure to second-hand smoke and is therefore likely to be strongly challenged by tobacco industry lobbyists. However, it has merit in ensuring that possible additional exposure to a known hazard is minimised, and of course in assisting those attempting to quit smoking. This also supports work towards smoke-free workplaces already under way in many local authority and NHS settings

Recommendation

It is worthwhile voicing support for this proposed additional protective measure, referencing the degree to which it would assist clients of Stop Smoking Services where there are examples of this.

Exceptions – All licensed premises (receive a longer lead-in time)

It is proposed that premises licensed for the sale and consumption of alcohol should be given longer to either become smokefree or to become smoking premises. To qualify for this extended period, a premises will need to be licensed for the sale and consumption of alcohol under the Licensing Act 2003 when the relevant section of the legislation comes into effect.

Question 4: Views are invited on this proposal. Are there any potential difficulties with using the Licensing Act 2003 that consultees would want to raise? Comments on the principle of a longer lead-in time for all licensed premises are also welcome.

Analysis

This is evidently a response to pressure from some in the hospitality industry (or those co-opted by the tobacco industry) to ‘go easy’ on pubs. Experience from abroad has shown that a significant lead-in period of up to a year is indeed important. However, there is no evidence that licensed premises need a longer lead-in time than other businesses in reality, and this proposal would simply delay the point at which workers in these premises are protected. As the implementation of the new Licensing Act has not been without difficulties itself, it would seem unwise to tie an unrelated measure to it.

Recommendation

This proposal should be rejected, pointing out the unnecessary additional complexity of relying upon a second piece of legislation (i.e. other than the Health Improvement and Protection Bill/Act), the heightened administrative burden of enforcement (as

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

licences would have to be checked before identifying infractions after the end of the general lead-in period), and the unreasonable delay in protecting workers in the hospitality industry.

Exceptions – All licensed premises that do not prepare and serve food – definition of “prepare and serve food”

In *Choosing Health* an assessment was published of what proportion of pubs might fall into the category of “do not prepare food”. This was based on a survey of existing risk assessments for food safety carried out by Local Authorities. Pubs categorised as low risk, and therefore unlikely to do more than sell pre-packaged ambient shelf-stable snacks, are likely to be assessed as low risk following the Food Standards Agency Code of Practice.

This exception is a novel approach in terms of smokefree legislation internationally, and therefore this consultation puts forward two possible routes for legislation. At present the favoured route is to specify a list of permitted foods for smoking licensed premises. Consultation is under way with the hospitality industry on what might be included in such a list. The intention is that the list of snacks should be capable of being varied from time to time, in consultation with the hospitality industry, to accommodate legitimate variations where it can be demonstrated that there is no attempt to increase the proportion of pubs where smoking is allowed. The regulations would enable snacks to be defined by reference to their ingredients, weight, size or other characteristics.

An alternative route might be to have a broad definition of foods, approximating that in the Food Standards Agency Code of Practice, that are low risk, e.g. “fruit, vegetables and other ambient shelf-stable products”. However, this may leave significant room for uncertainty and different interpretations in different parts of the country.

Question 5: Views are invited on the merits and practicability of this proposal. If a specific list is preferred, are there any things you would and would not want on such a list, recognising the current wish to, in essence, allow smoking only to continue in “drinking pubs”? Are there any major concerns about the impact on licensed businesses that will have to choose between food and smoking? Is the Choosing Health estimate of 10–30 per cent of pubs choosing smoking likely to be borne out?

Analysis

This is, in effect, an open invitation to highlight the illogical nature of diminishing a health and safety measure on the basis of whether or not food is served. Terms such as ‘pre-packaged ambient shelf-stable snacks’ are very obviously *not* clear or easily understood by publicans and customers alike, and reliance upon yet more detailed regulations would inevitably make enforcement highly impractical, probably by errors of ignorance as much as deliberate evasion.

Recommendation

These proposals should be rejected in detail, highlighting the impractical nature of the concepts and the obvious foreseeable difficulties in implementation. It is also worth including information as to the impact upon those pubs which will feel under

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

pressure to choose between food and smoking in your area, as this appears likely to be particularly onerous for smaller or independent establishments but real case studies would be usefully quotable. 'Wet-pub' mapping exercises have in most case shown that the 10-30% estimate of pubs likely to choose smoking (as opposed to choosing health) is optimistically low, particularly in the most deprived or lowest-income areas, and it is also sensible to include such data for your area where available.

Exceptions – Residential premises

It is proposed that regulations may exempt the following premises from the smokefree legislation, since they act as an individual's dwelling or are clearly private space:

- any place occupied as residential premises or as living accommodation – this includes a house, apartment, flat or a bedroom or living area let or being used as a person's principal place of residence (for example, bedrooms in a hotel, bed and breakfast or hostel which are designated for the use of a particular person or group of persons by the proprietor)
- halls of residence (only in bedrooms)
- adult hospices
- long-stay adult residential care homes
- psychiatric hospitals and units
- prisons or other places of detention
- detention rooms in police premises designated by, or on behalf of, a chief constable
- private vehicles (which may be defined by the regulations to include vehicles which are privately owned or hired for specified or minimum periods)
- a place where only a single self-employed person is working
- a vehicle that is used for work purposes by only ever one person
- oil and gas platforms
- the separate living area of a seafarer.

For some of these exemptions, for instance psychiatric hospitals and units, exploratory work will be needed to see how these can move to become smokefree in the longer term. Work by the HDA in conjunction with NHS Trusts has shown how progress can be made to minimise exposure to secondhand smoke in psychiatric settings.

Question 6: Views are invited on the above list of exceptions, especially in respect of human rights aspects.

Analysis

This is a step in the right direction, attempting to enshrine the basic idea that smoking should only be permitted in private places. However, as presented it does not prevent all workers from involuntary exposure – staff in care homes, mental health facilities and prisons may not be adequately protected, and there is a loophole as regards domestic staff or workers providing home care services. The unqualified inclusion of oil and gas platforms is extraordinary given the obvious fire risks. The inclusion of vehicles may be contrary to the development of comprehensive workplace smoke-free policies already in development by local authorities and

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

the NHS if it is seen to apply to private vehicles being used for business purposes. Some hall of residence bedrooms may still be shared, in which involuntary exposure is still a possibility.

Recommendation

The principle of the proposal should be welcomed, but suggestions for improved and clearer wording be offered. In order to protect domestic staff and other workers whose workplace may be another person's home – such as home helps, social services staff and visiting nurses – it may also be appropriate to suggest exempting only parts of private living areas not generally used or worked in by any other person.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Exceptions – Membership clubs

It is proposed to exempt membership clubs, where the members will be free to choose whether to allow smoking or not. These clubs, such as the Royal British Legion, working men's clubs, cricket and rugby clubs, will be those defined as Registered Clubs or Qualifying Clubs under the Licensing Act 2003.

It is proposed, subject to consultation, to require Qualifying Clubs to undertake an annual ballot, in the course of their normal processes, on whether or not to permit smoking. This reflects the proposal in the White Paper that the members should be free to choose the smoking status of the club.

Question 7: Views are invited on the proposal.

Analysis

This is apparently aimed at working men's clubs in order to reduce the political impact of resistance in some high-smoking prevalence areas. As with the suggested food/non-food division, the constitutional nature of the workplace is irrelevant in considering a health and safety measure. The requirement for an annual ballot seems unwieldy, and unlikely to provide a fair route for staff requiring protection as they may not have a vote. Perhaps most importantly, experience overseas has shown that comprehensive bans become ever more popular following implementation, establishing the normality of smoke-free workplaces and public places.

Recommendation

This proposal should be rejected, highlighting the impractical nature of the annual ballot requirement, the failure to protect staff in membership clubs, and the good grounds for confidence that resistance will be limited and transitory (New York City and Ireland being examples of where fears of a public backlash were not realised).

Exceptions – Practical implications

We would be interested in your views on how this legislation is likely to impact on your place of work.

Question 8: Will the introduction of this legislation present any practical difficulties in your workplace?

Analysis

This question appears aimed primarily at garnering public responses, and is again an open opportunity to point out how the inconsistencies and loopholes inherent in the current proposals will make implementation expensive and unreliable. Quotable examples of the difficulties likely to result in any workplace are worth highlighting.

Recommendation

It is advisable for all respondent to detail the practical difficulties in their own workplace, but also encouraging members of the public (for instance bar staff) to respond to this questions specifically where possible.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Signage

It is proposed that smokefree areas should be designated by no-smoking signs, with powers in regulations to prescribe the size and content of the signs.

It is proposed, in line with the proposals being put forward in Scotland, to require a no-smoking notice that should measure at least 280mm by 200mm (A4), displaying the international no-smoking symbol and stating that it is illegal to smoke on the premises. It is also proposed to include information on the maximum fine for smoking in smokefree premises and a phone number for people to call if they have concerns that the smokefree law is being broken on the premises. It shall be the responsibility of the owner, manager or other person in charge to ensure that the no-smoking status of the premises is clearly highlighted by appropriate notices.

Question 9: Views are invited on the proposal.

Analysis

This proposal has been influenced by the successful experiences in New York City and Ireland, where clear signage of just the nature described has proved helpful in making smoke-free status of all workplaces clear, and allowing workers such as bar staff to point out the notices rather than have to tackle anyone lighting-up inside in a 'personal' manner

Recommendation

It is recommended that this proposal be welcomed.

Offences and penalties

It is proposed to have three types of offence:

- i) not displaying the prescribed no-smoking notice in a smokefree premises
- ii) failing to act to prevent smoking in a smokefree premises
- iii) knowingly smoking in a smokefree premises.

In detail, the proposed offences and proposed penalties are:

(a) A person found guilty of not displaying warning notices in and on no-smoking premises is to be guilty of an offence.

- It is intended that initially the regulations prescribe a fine of up to level 1 (at present £200) for an offence of not displaying warning notices in and on no-smoking premises.

(b) The manager, or any other person who is in charge of smokefree premises at the time at which tobacco is smoked in them, and the licensee in the case of premises which are licensed to sell alcohol, will be guilty of an offence if they fail to prevent smoking in the premises, except where the special defence set out below applies.

- It is intended that the regulations will prescribe a fine of up to level 1 (at present £200) for a first conviction of the offence of failing to prevent smoking in no-smoking premises.

(c) If a person smokes a tobacco product in a smokefree premises in contravention of a prescribed no-smoking sign, he or she is to be guilty of an offence.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

- It is intended that initially the regulations will prescribe a fine of £50 (fixed penalty notice) for an offence of smoking in no-smoking premises, but the Bill should contain the power to prescribe fines up to level 1. It is also intended that there will be an opportunity to have the case tried by a Court if there is a dispute.

Question 10: Views are invited on the level of penalties and the general approach on the three types of offence (this section should be read in conjunction with the next section on defences), and whether there should be higher penalties for repeat offences.

Analysis

These fine levels appear remarkably modest, given the seriousness of the hazard that involuntary exposure to second-hand smoke represents. A £50 fine puts polluting the workplace on a par with minor misdemeanours such as dropping litter; in Ireland, a €3000 fine applies, which provides a higher level of deterrent. In New York City an ascending scale of fines for employers that fail to prevent smoking enables the level of penalty to escalate for repeat offenders – the possibility that this may be considered in England is implicit in the suggestion of a level 1 fine for a 'first offence'.

Recommendation

Where respondents have experience of existing fines regimes that may inform this area of policy development it would be helpful to include relevant insights in responses. The lack of a clear sliding scale for penalties, and the low level of fines for offenders, could both usefully be challenged – - for instance, by suggesting a clearly expressed ascending scale of penalties, with fines at a similar level to Ireland for repeat offenders and possibly licence suspension or revocation for serious repeat infringements by licensed premises operators.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Defences

It is proposed that there are specific defences which are to apply only to the offence of failing to prevent smoking and displaying no-smoking signage. These may provide a defence to the offence of failing to prevent smoking in no-smoking premises where a defendant produces evidence that:

- (a) he or she was not aware, and could not reasonably be expected to have been aware, that the contravention was occurring; or
- (b) he or she requested the person smoking to stop smoking and informed the person that the person was committing an offence.

It is intended that the defence in (a) above will also apply to the offence of failing to display a no-smoking sign.

Question 11: Views are invited on defences set out here.

Analysis

These are standard defences, and largely unremarkable as proposals. They could, however, be improved upon; if a reporting line for infractions were established (advertised on the compulsory notices) defence B could be modified to apply only if the defendant had told the smoker to stop, informed them that they were committing an offence AND reported this to the proper authorities.

Recommendation

These defences should be accepted in principle, but pressure for a requirement to report offences (via the telephone number on no-smoking notices as proposed above) would be worthwhile.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Enforcement

Enforcement will be a matter for the appropriate local authority enforcement officers. Exactly how this responsibility is split between the different groups (for example, food safety officers, trading standards officers, technical officers and environmental health officers) will depend on how the local enforcement authorities are structured at the time the proposed legislation comes into effect.

It is proposed that the legislation should give a general power to the appropriate enforcement officer. The proposal is that the appropriate officers will have the power to:

- (a) inspect premises (see paragraph below); and
- (b) bring prosecutions for any offence under the legislation, including repeat offences.

It is intended that enforcement officers (in many cases this will be environmental health officers who have similar powers/responsibilities in sections 29 to 32 of the Food Safety Act 1990)⁶ should have the power to enter premises for the purposes of enforcing the Act and, when on premises for that purpose, to take samples for analysis. Such samples may be needed, for example, to establish that a substance smoked is or includes tobacco, or to determine whether snacks are of a kind which is permitted in a smoking area.

Choosing Health confirms the Government's commitment to the New Burdens Doctrine, and states that it will reimburse local authorities for any extra costs they face as a result of the policies in the White Paper. Discussions have already commenced with the Local Government Association (LGA) on questions around enforcement and likely costs.

Question 12: Views are invited on the approach outlined above. Comments are particularly welcome on how resource-intensive enforcement authorities might expect the enforcement work to be.

Analysis

This proposal is open as to the likely practical burdens upon local authority officers, particularly EHOs. There is an implicit rejection of a need for a national body, such as the Office of Tobacco Control in Ireland, to oversee efforts. Enforcement will clearly be more time-consuming and difficult at a local level if the exemptions proposed at present apply, and the unnecessary additional cost to the state of implementing a partial ban rather than a comprehensive one is a key argument.

Recommendation

It would be helpful for local authorities to respond in detail as to the likely cost of enforcing a partial ban, how this compares to the possible cost of enforcing a comprehensive (and thus more easily understood) ban, and the levels of reimbursement that may be sought from central government in either circumstances.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Smoking at the bar

It is proposed that, in exempted licensed premises, smoking at the bar would not be allowed, although there is no evidence that this would provide any health benefit for those in the premises. A possible route might be to define bar areas and stipulate the distance (1 metre) from the bar where smoking would not be allowed, or to allow the industry to continue to promote this policy without legislation.

Question 13: Views are invited on how best to regulate a no-smoking at the bar policy in exempted licensed premises.

Analysis

This idea comes at the suggestion of the tobacco industry, its main function being to delay meaningful action to make pubs and bars smoke-free by such visible token measures. As the consultation points out, such a measure would not furnish any proven health benefit. It has no scientific merit – if people are smoking in the room, bar staff will be exposed to higher than necessary levels of tobacco smoke pollutants whether the source is one metre from the bar, two metres or five. However, should a partial ban continue to be proposed, the scientific case may provide a means to improve matters, as the only way to genuinely protect staff will be to define the bar area as the contained space that bar staff work in – i.e. smoking should only take place in a separate room with a self-closing door and no re-circulation of air to the bar area.

Recommendation

Respondents could usefully highlight the considerable evidence that second-hand smoke pollutants are present at a higher level throughout a room in which people are smoking, the obvious fact that smoke drifts, and the reality that such a token gesture would not actually protect the health of workers. Pressure to make worker protection meaningful in a partial ban environment, detailing the specific measures necessary as above, would be useful in maximising health gains for bar workers and encouraging publicans to take the lower-cost route of voluntarily introducing a smoke-free environment if a comprehensive ban is not required by legislation. Practical issues as to the enforcement practicalities for environmental health officers could usefully be included here.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Timetable

A timetable is proposed for this legislation as follows:

- By the end of 2007, all enclosed public places and workplaces, other than licensed premises (and those specifically exempted), will, subject to legislation, be smokefree.
- By the end of 2008 arrangements for licensed premises will be in place.

Choosing Health therefore sets out an absolute end point, but does not rule out that these policies will be in place before this point. Indeed, practice from other northern European countries has been that the middle of winter is not necessarily the best time to begin asking smokers to go outside.

Question 14: Views are invited on the best time for the law to come into effect. Does the end of December provide any particular challenges or opportunities? Enforcement authorities, employers and the hospitality industry may want especially to respond on this point.

Analysis

Experience from abroad certainly has shown that winter is not the best time to introduce an indoor smoking ban – but it has also shown that there is not necessarily a need to give licensed premises (i.e. drinking venues) a significantly later implementation point than any other workplace. There is good reason to plan a lead-in period of up to a year before implementation, but delaying the start date further may achieve little more, whilst prolonging exposure to the hazards of second-hand smoke. The tobacco industry – possibly lobbying via ostensibly hospitality industry proxies – will press for delays, as every additional month of additional time will represent a postponement of an expected decrease in tobacco sales once restrictions are in force. An earlier start, however, would give more time for the public to adjust to – and, if international experience is a precedent, grow to like – smoking restrictions before the next General Election.

Recommendation

Respondents could usefully suggest a one-year lead-in period, ending in spring, summer or early autumn. Bringing the implementation date forward to mid-2008 is the very least that should be asked for – if the legislation can be carried through Parliamentary process and Assent by mid-2006 it may even be reasonable to suggest bringing the start date forward further to mid 2007 for all workplaces. It is worthwhile pointing out that delay beyond the year that may be required to prepare the public for the change may achieve nothing positive, whilst prolonging health hazards and causing confusion and uncertainty for the hospitality industry, who are increasingly aware that a 'level playing field' is the most stable basis upon which pub trade can flourish and fairly compete.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Unintended consequences for binge-drinking

Choosing Health stated: “Some have pointed to a risk inherent in this proposal that pubs may decide to stop serving food instead of imposing a smoking ban; and that this may have an adverse impact on our drive to tackle binge-drinking. We believe that the profitability of providing food will be sufficient to outweigh any perverse incentive for pub owners to choose to switch. However, we will consult widely with all those engaged in combating irresponsible drinking to ensure the risk is mitigated, and will monitor outcomes.”

Question 15: Views are invited on the level of risk this policy may present to the drive to tackle binge-drinking and on how any such risk can be mitigated.

Analysis

This is one of the Achilles' heels of the partial ban proposals – it would indeed be 'perverse' for legislation to effectively discourage the provision of food in pubs whilst the intention to tackle binge-drinking naturally favours the spread of the type of pubs where people can sit down and eat and drink in moderation. The profitability of food – or the profitability of smoke-free environments – are already encouraging some publicans to provide some non-smoking premises in more affluent areas, but they are very few at present, and generally not present in areas of low incomes. There is thus a link to health inequalities – if binge-drinking and anti-social behaviour is occurring at high levels in populations experiencing higher health inequalities, which are also populations experiencing higher smoking prevalence where the pressure to switch from food to smoking will be the greatest, the effect could be serious and the optimistic assessment in *Choosing Health* unreasonable.

Recommendation

Local authorities and law enforcement bodies can usefully respond to this with detailed examples of the likely impact in their area, possibly by raising the issue with the relevant Crime and Disorder Reduction Partnership. Where 'wet-pub' mapping exercises are carried out, it would be useful to compare the results with mapping of drink-related disorder.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

General points

Question 16: It has been suggested that the proposals in the White Paper detailed here will result in smoking pubs and clubs being concentrated in poorer communities. The consequence of this is that the health benefits, in reduced exposure to secondhand smoke and in reduced smoking prevalence, will be less in these communities than in better-off communities, thereby exacerbating health inequalities. Views and evidence on this issue are invited.

Analysis

This is an open invitation to make the case for a comprehensive ban on the basis of meaningfully addressing health inequalities.

Recommendation

If your area includes communities known to experience health inequalities (for instance, if a regeneration area or Spearhead PCT patch, although this is not exclusive) it is well worth conducting a 'wet-pub' mapping exercise to plot potential exempted licensed premises – you are likely to see figures well above 10-30% in these areas, which will be valuable evidence to submit in its own right, and even stronger if you have resources to map in non-deprived areas for comparison. Northamptonshire smoke-free alliances have experience of this approach, and ASH also have a model available – both are willing to advise local respondents.

In presenting local data, it is worth considering actual maps or visual presentations, rather than numerical reports alone – these have been found to have additional impact in consultation responses in the past.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill - a guide to responding from the Smoke-Free Alliance

Partial Regulatory Impact Assessment

The partial RIA was originally published alongside the White Paper in November 2004. Responses on the key questions in this partial RIA are welcomed.

Analysis

The PRIA was available on the DH website from November 2004, but not actively publicised or promoted – this is therefore the first that many potential respondents will have seen of it. The PRIA sets out the reasons for the proposed legislation – and why the proposals are not comprehensive.

Recommendation

Unlike the questions above, responding to the PRIA is an opportunity to emphasise the inadequacy of the partial ban proposals in principle as well as practice. It is important that this material is not overlooked in consultation responses.

Objective

The Government's objective is to:

- reduce the risk to health from exposure to secondhand smoke
- recognise a person's right to be protected from harm and to enjoy smokefree air
- increase the benefits of smokefree enclosed public places and workplaces for people trying to give up smoking, so that they can succeed in an environment where social pressures to smoke are reduced
- save thousands of lives over the next decade by reducing overall smoking rates.

Smokefree enclosed public places and workplaces would include those to which members of the public have access in the course of their daily business and leisure. They would include trains, buses, taxis, shops, schools, healthcare facilities, sports centres, offices, factories, cinemas, pubs, restaurants and clubs. Where a public place is also a workplace, action taken would not replace the existing duty of care under the Health and Safety at Work etc Act 1974.

The health risks of secondhand smoke have been reported by SCOTH in 1998 and 2003. Secondhand smoke in indoor places not only harms non-smokers, but also harms smokers and makes it difficult for the 7 out of 10 smokers who want to quit to succeed.

Smoking Kills (1998) led to the Public Places Charter – this set targets for voluntary smoking restrictions, which by 2003 had not been met, to the disappointment of Ministers.

Option 1 – Continue with a voluntary approach

Likely to result in only limited progress. If we assume that indoor workplaces without bans are those least willing to apply them, we could estimate that only half will voluntarily choose a ban. A hospitality industry has launched an initiative for further voluntary action, but this does not cover the majority of the industry. Even if completely successful, there would still be significant exposure to secondhand smoke for people in the premises and no guarantee of anyone being able to find a smokefree pub or bar. The costs to Government are considered to be zero.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Option 2 – National legislation to make all indoor public places and workplaces completely smokefree (without exemptions)

No exemptions would be made for the hospitality industry or others. Of the four options, this option offers the highest levels of benefits, including the highest reductions in prevalence, deaths from secondhand smoke, cleaning and fire risk, and increases in productivity. The main risk is that a total national ban may not reflect public opinion completely, and may therefore be more controversial and more difficult to enforce. However, experience from Ireland and other jurisdictions has not identified a significant enforcement problem. There would be a cost to Government to enforce the legislation, estimated at around £20m a year initially, although expected to fall to a minimal level subsequently. The available evidence does not support speculation that hospitality trade profits would suffer.

Option 3 – Legislation giving local authorities new powers to control secondhand smoke in indoor places

This would be a longer term and more unpredictable route. Costs and benefits would not be known until the response from all local authorities was known. This may result in a confused system across the country, and there is every possibility that some local authorities may not make use of the legislation at all. This option is also the route that the hospitality industry favour least.

Option 4 – National legislation to make all indoor public places and workplaces completely smokefree (with exemptions)

All enclosed public places and workplaces will be smokefree. This is likely to provide benefits set at a level below that of Option 2, but at a much greater level than Option 1. The loss of benefit in comparison with Option 2 is likely to be in non-workplace enclosed places (for example pubs). The benefits from reductions in deaths due to customers giving up are estimated, at this stage, to be between zero and the full benefits in Option 2. Overall there would be a reduction in secondhand smoke; an estimate for the purposes of the partial RIA is that more than half the deaths from secondhand smoke would be averted. A risk of this proposal is that food-led licensed premises, pubs in particular, may make a choice to give up serving food in favour of allowing smoking, thereby reversing the recent trend towards pubs being more than simply a place to drink alcohol. The different provisions for different businesses may be more complicated to enforce. Costs are estimated to be higher than for Option 2, as the enforcement decisions are likely to be more complicated (with more exemptions).

Analysis

Option 1 achieves nothing, Option 3 is confused and inconsistent, Option 2 would provide the highest level of health benefits at a modest cost, and Option 4 would achieve lower health benefits at a higher costs. The PRIA is correct on all points, including the reminder that other jurisdictions have not found a comprehensive ban difficult to enforce, which illustrates the illogicality of proceeding with a partial ban.

Recommendation

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

When responding, you could helpfully point out how the greater health benefits of Option 2 will contribute to public health in your area, as well as highlighting again how the greater enforcement burden and complexity will disrupt businesses, as well as other fields of environmental health activity, in your area.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill - a guide to responding from the Smoke-Free Alliance

Net sum of all costs and benefits

Benefits	Option 1 Voluntary action	Option 2 Full ban in all enclosed public places and workplaces	Option 3 Local powers	Option 4 Ban with exceptions
Annual benefits £m				
a) Averted deaths from secondhand smoke Employees Customers	4 75	21 350	0-21 0-350	21 150-250
b) Averted deaths from smokers giving up Employees Customers	800 -	1600 180	0-1600 0-180	1600 0-180
c) Averted deaths from reduced uptake of smoking	275	550	0-550	550
d) NHS expenditure 20 saved through reduced smoking prevalence		100	0-100	40-100
e) Reduced sickness absence	14-28	70-140	0-140	28-140
f) Production gains (from reduced exposure to secondhand smoke)	68-136	340-680	0-680	306-612
g) Safety benefits (damage, fire, injuries, etc)	13	63	0-63	57-63
h) Reduced cleaning and maintenance costs	20	100	0-100	90-100
Total benefits	1289-1371	3374-3784	0-3784	2842-3616
Annual costs £m				
i) Implementation (changes to signage, alterations to premises, etc)	-	-(minimal)	unknown	-(minimal)
j) Enforcement	-	20	0-20+	20+
k) Education/ communication	-	1	Unknown - dependent on local decisions	1
l) Revenue losses to Exchequer from falling cigarette sales (employees) (customers)	570 -	1145 150	0-1145 0-150	1145 0-150
m) Losses to the tobacco industry	57	129	0-129	114-129
n) Unintended consequences (mess on streets, etc)	-	-	-	-
o) Production losses (smoking breaks)	215	430	430	430
p) Consumers' surplus losses to continuing smokers	80	155	155	155
Total costs	922	2030	0-2029	1844-2030
Net benefit	367-449	1344-1754	0-1755	998-1586

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Competition assessment

A competition assessment has been undertaken; outside the hospitality sector, no significant competition issues were identified. The biggest impact of action on secondhand smoke will be for the hospitality sector and, within the sector, for those businesses that have made least progress in becoming smokefree (for example, cinemas are almost universally smokefree, whereas smokefree pubs are very rare).

- Option 1 is a continuation of existing policy and does not give rise to any issues.
- Option 2 provides for a level playing field to business with no increased entry costs (indeed it will decrease entry costs to the pub sector, as expensive ventilation currently used will no longer need to be installed or maintained).
- Option 3 may result in impact on competition between businesses in different jurisdictions, which may result in smokers moving from a legally required smokefree public place in one local authority, to a smoking public place in the neighbouring local authority. There is potential for higher entry costs if an LA were to decide to require specified ventilation in local legislation.
- Option 4 will result in a decision for licensed public places whether to serve food or not. As with Option 2, and for similar reasons, this route may decrease rather than increase barriers to entry in premises that will be smokefree. Views are welcomed on competition aspects of this option.

Analysis

Option 1 creates a competitive advantage for the small number of existing smoke-free pubs, but the effect in terms of creating smoke-free places is inadequate. Option 3 creates the least level playing field possible. Option 2 creates a completely level playing field and will evidently be the lowest-cost for businesses to enforce, but to make similar claims about Option 4 appears groundlessly optimistic.

Recommendation

Views are requested as to the competition weaknesses of Option 4, rather than hard economic data. It would be helpful to highlight your concerns about the deleterious effect of a partial ban upon hospitality businesses in your area, whether or not you have financial evidence to complement these views.

Rural proofing

We have considered the impact of these measures in relation to rural areas, and consider that they will not have a different or disproportionate impact on people living in rural areas. It has been suggested that rural pubs might be disproportionately affected; however we have no evidence at present to support this. We welcome further comments from stakeholders on this issue.

Analysis

This has been pointed out because some smaller rural pubs have only one or two rooms and low turnover, so creating separate smoking rooms and installing expensive (although ineffective) ventilation systems would be architecturally and financially impossible – if rural pubs thus lost trade to larger-scale urban facilities as a result this could threaten their financial viability. Pubs are the only regularly available community facility in many small rural communities, so a partial ban should arguably not pass the 'rural proofing' test – however, the PRIA asks for evidence.

Recommendation

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill - a guide to responding from the Smoke-Free Alliance

Where this affects pubs in your area, evidence (anecdotal or otherwise) could usefully be included in your response.

Enforcement and sanctions

Further consultation will be necessary on the full details of the licensing and enforcement arrangements. This may simply involve redirection of existing local enforcement work for some of the options, or it may be a much greater change involving action to enforce the proposed legislation. We welcome comments from stakeholders on this issue and on appropriate sanctions. Below are some hypothetical scenarios for each option and the estimated cost of enforcement. We would be grateful for stakeholder views on these and the cost to individual organisations. Views on the level of fines and the scale of enforcement this are also welcomed.

Option 1

Continue with current enforcement.

Hypothetical scenario 1

The market and business/employers will decide the level of protection and therefore there will be no enforcement costs.

Total estimate £0m

Option 2

Based on Ireland's experience, it might need 500 officers at a cost of £20m for a year, dropping substantially after the start.

Hypothetical scenario 2

Enforcement/Environmental Health Officers will be employed to enforce new legislation. Estimated total cost £20m. If there is a circumstance where the law has been broken then the EHOs will be contacted to take the appropriate action. This action will include the cost of prosecution. Evidence from Ireland is that the number of prosecutions remains very low. If EHOs cannot be contacted and the circumstance escalates to a public order issue then it is likely that the police will be called upon. We welcome comments on the cost of this.

Total estimate £20m plus any courts/legal aid, plus possible police costs

Option 3

Depending on what local authorities choose, the need for enforcement could be anything up to that identified for Option 2 or 4.

Hypothetical scenario 3

Extreme case scenarios would be if each local authority decided to ban smoking in public places (Option 2) or if they decided to do nothing and encourage voluntary action (Option 1). However, the costs will depend on the level of enforcement decided by each LA. We welcome comments on this. These costs would include EHO costs, any prosecution/appeal costs to courts and legal aid, plus possible police enforcement costs.

Total estimate £0 – 20m plus any courts/legal aid, plus possible police costs

Option 4

At least that required for Option 2.

Hypothetical scenario 4

There are a number of scenarios for this option. It is envisaged that enforcement costs to cater for all the scenarios will include the following: Enforcement/Environmental Health Officer employment and training costs – £20m. Again, any prosecution/appeal costs to courts and legal aid, plus possible police enforcement costs. We welcome in particular views on prosecution and police costs. Total estimate

£20m plus any courts/legal aid, plus possible police costs

Analysis

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Due to the complexity and likelihood of misinterpretation, a partial ban is certain to be more expensive to enforce successfully.

Recommendation

Estimates of differential local costs for Options 2 and 4 could usefully be included in responses.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Public opinion

Secondhand smoke was the single biggest issue raised in the *Choosing Health?* Public consultation. Over half of submissions were in favour of a national ban on smoking in public places or workplaces. There is increasing public support for smoking restrictions or smokefree legislation to cover indoor public places and workplaces, but polls indicate that the measure of support varies according to types of premises. For most workplaces and public places support for restrictions is generally 80 per cent or more. However, pubs stand apart from all other indoor places, and even other parts of the hospitality sector, as being a special case in the mind of the public.

Analysis

Pubs are no different from any other workplaces in most aspects of health and safety, and here too the difference is one of perception rather than fact. Many public consultation exercises have been weakened by asking the public about preconceptions, rather than framing the question constructively; if asked simply about where smoking should be restricted – workplaces or pubs too? – this sets up a false dichotomy and fails to remind people that pubs are also workplaces. If and when a comprehensive approach is agreed, this misunderstanding can be tackled through targeted communications programmes, as carried out successfully in many other parts of the world.

Recommendation

It is worth reiterating in responses that uninformed opinion is of questionable value in considering technically validated health and safety measures, and that public acceptance can and will grow as a result of planned communications activity if the Government chooses to act – indeed, smoke-free measures internationally have tended to become more popular once implemented. Where resources allow it may be possible to carry out small-scale local opinion studies to ask members of the public whether bar staff should be protected from the health hazards of second-hand smoke as well as other workers, and if such work is carried during the consultation period the results could usefully be included in responses.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill - a guide to responding from the Smoke-Free Alliance

Summary and recommendation

Option 4 is the preferred option, as it offers the highest level of benefits possible, taking into account the need for appropriate exceptions from a ban on smoking in enclosed public places and workplaces that reflect public opinion (see table below for a summary of the four options). Taking forward Option 4 will be subject to consultation and the feedback received from a wide range of stakeholders.

<p>Option 1 Least restrictive and costly but may not make significant progress</p>	<p>Option 2 Most effective but may be seen by the public as too restrictive, as no exemptions are identified</p>	<p>Option 3 Potentially equally as effective as Option 2, but with no guarantee of action, no way of predicting what type of action would be taken, and no guarantee of a timescale for action</p>	<p>Option 4 The preferred option – although likely to be less effective in reducing smoking and protecting from secondhand ban, exceptions a more complex and costly approach which tries to reflect public opinion</p>
<p>£m net benefit 367–449</p>	<p>£m net benefit 1344–1754</p>	<p>£m net benefit 0–1755</p>	<p>£m net benefit 977–1651</p>

Analysis
Option 4 was the option preferred by the previous Secretary of State for Health for reasons of expediency – it was considered unhelpful to let a potential ban become a General Election issue. Apart from the misapprehension about public opinion, the PRIA makes it clear that Option 4 is in no sense preferable to Option 2, which is superior in all respects; a comprehensive workplace restriction would be easier to understand, easier to enforce, lower cost to the Government, local authorities and employers, in the medium to long term more popular, and capable of delivering the greatest health benefits. Option 2 is the only logical avenue for national action – but the Government may not feel able to recognise this and change course without an overwhelming response to this consultation exercise in support of comprehensive restrictions.

Recommendation
Please take the time to respond to the consultation questions and PRIA in as much detail as possible, or at least identifying the 'killer facts' in your area. Every informed response that strengthens the case for comprehensive restrictions and illustrates the additional burdens and missed opportunities that a partial ban would represent is of real value.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

Useful supporting information for drafting consultation responses

There is copious material freely available at www.ash.org.uk, and a website specially established to inform consultees at www.smokefreeaction.org.uk

A summary of key arguments for reference:

Second hand smoke

- SCOTH (Scientific Committee on Tobacco and Health), Nov 2004, found that exposure to second hand smoke (SHS) in non-smokers increased the risk of lung cancer by 24% and heart disease by 25%. The report confirmed that SHS 'represents a substantial public health hazard' (www.advisorybodies.doh.gov.uk/scoth/)
- Prof. Jamrozik's report, 'Estimate of deaths attributable to passive smoking among UK adults', published in the BMJ in April 2005, found that 11,000 people die each year due to exposure to SHS. This breaks down to 30 people each day. Also found that one worker each week dies from SHS exposure in the hospitality industry.
<http://bmj.bmjournals.com>
- The dangers of second hand smoke have been confirmed by the Government's Chief Medical Officer, Sir Liam Donaldson, as well as by the heads of all of Britain's thirteen Royal Colleges of Medicine.
- The US Environmental Protection Agency (EPA) has classified environmental tobacco smoke as a Class A (known human) carcinogen, alongside asbestos and benzene.
- Tobacco smoke contains 4,000 chemicals and 60 known carcinogens.
- In Ireland, post-ban, levels of carbon monoxide in non-smoking bar workers have decreased by 45%.

The ventilation argument

- Ventilation and similar systems cannot eliminate all the dangerous elements of cigarette smoke. They remove the visible smoke but not the cancer-causing particulates which are invisible to the human eye and too small to be caught by the filter.
- Tobacco industry giant Philip Morris has previously admitted on its company website that ventilation is 'not shown to address the health effects of second hand smoke'.
- The ventilation argument is also used to address the issue of the 'comfort' of non-smokers. This draws attention away from the health concerns: while it is true that non-smokers often avoid pubs because they dislike the smoke, the reason for smoke free legislation is to protect people's health.
- Ventilation systems are expensive for businesses and ineffective in removing the risks from SHS. Smoke free workplaces are the only safe option.

The 'smoker's right to smoke' argument

- Smokers should not be free to endanger the health of those around them. The right of non-smokers to breathe clean air must take priority over the perceived right of smokers to smoke.

Consultation on the Smokefree Elements of the Health Improvement and Protection Bill -
a guide to responding from the Smoke-Free Alliance

- The issue isn't about *whether* smokers can smoke, but about *where* and *when* it is appropriate for them to smoke so that they do not harm the health of others.
- Smoking in enclosed public places causes direct harm to other people. A law which prevents this is reasonable and fair.
- The Americans coined the phrase 'your right to smoke ends at my nose'.

Ease of enforcement

- In Ireland, where a total ban has been in place for a year, compliance has been very high: 94% of hospitality workplaces inspected were smoke free.
- Smoking restrictions are already in place in many areas in this country, for example on the London Underground. These restrictions are routinely observed without heavy enforcement, because the great majority of people are law abiding.

Popularity with the public

- In Ireland, post-ban, 93% of people think the smoke free law is a good idea, including 80% of smokers.
- In _____shire, _____% of people who took part in the Big Smoke Debate wanted smoke free public places. _____% wanted legislation to this effect. _____% wanted totally smoke free pubs.

Concerns that a smoking ban will move smoking to the home

- There is no evidence to support this.
- Many smokers give up altogether when smoke free legislation is introduced.
- Smokers and non-smokers become more aware of the risks of smoking around others, and children in particular, when smoke free legislation is introduced.
- In California, the percentage of children living in smoke free homes rose from 38% in 1992 to 82% per cent in 1999. California went smoke free in 1995.

_____Smoke-Free Alliance is available to assist you in responding if you would like practical assistance, opportunities to discuss the most persuasive approaches, or support in drafting a response. Please contact us as below:

NUMBERS & CONTACT DETAILS

Dear Secretary of State,

The Choosing Health in Chorley and South Ribble group (an alliance between Chorley & South Ribble PCT, Chorley Borough Council and South Ribble Borough Council) welcome the proposed legislation to introduce Smoke Free public places and workplaces but express concern regarding the proposed exemptions for this legislation.

We believe that second hand smoke in the workplace and enclosed public places poses a serious health risk to both employees and members of the public. No one, be they a smoker or a non-smoker should be forced to breathe in someone else's tobacco smoke.

Chorley and South Ribble are completely committed to reducing deaths attributed to cancer and coronary heart disease as well as deaths and debilitating conditions formed as a result of second hand smoke. Outlined in the strategies for both Local Strategic Partnerships is a strong commitment to workplace health along with a commitment to a Smoke Free Chorley & South Ribble. The proposed exemptions outlined in the smoke free legislation undermine this commitment.

Our concerns are that these exemptions will make legislation difficult to enforce and therefore unworkable and that inequalities in health will be more evident in some of the more deprived wards of Chorley and South Ribble. We also consider that clear and comprehensive legislation will help to reduce the number of young people starting to smoke.

All workers deserve protection. With recent international research concluding that more than one bar worker dies each week in this country from the exposure to second hand smoke, it is imperative that we make every effort to reduce this risk.

We therefore as a group urge you adopt Option 2 in the consultation document on smoke free legislation and that you introduce national legislation to make all public places and workplaces smoke free (without exemptions) thereby protecting all residents of Chorley & South Ribble.

Your Sincerely,

Chorley & South Ribble PCT.

Chorley Borough Council

South Ribble Borough Council

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OVERVIEW AND SCRUTINY INQUIRY PROJECT OUTLINE

Review Topic: Decriminalisation of Parking Enforcement (DPE)	Investigation by: Customer Overview and Scrutiny Panel
	Type: Inquiry

Objectives: <ol style="list-style-type: none"> To investigate the effectiveness of DPE in Chorley, To assess the impact the introduction of the Parkwise scheme has had on residents, visitors, motorists, traders and businesses. To compare with Best Practice elsewhere. To identify any future improvements for customer service. 	Desired Outcomes: <ol style="list-style-type: none"> To identify methods to show DPE and Parkwise as reasonable and customer friendly to residents and visitors to the town. To maximize operational efficiency of the DPE service.
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Terms of Reference: <ol style="list-style-type: none"> To conduct an investigation into DPE and Parkwise and to identify (if any) improvements to the service. To assess the current service provision. To report on the investigations findings and make recommendation initially to Overview and Scrutiny Committee consistent with the Inquiry's objectives and desired outcomes.
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Key Issues: <ol style="list-style-type: none"> Off Street Parking On Street Parking Customers experience and satisfaction. Experience of Staff, e.g. security, training. The publics understanding of the regulations The publicity of the regulations and DPE service. How appeals are managed. Best Practice in other Authorities. 	Risks: <ol style="list-style-type: none"> The Council must comply with 1991 Road Traffic Act and Lancashire County Council Procedure Manual in relation to DPE. Finance and resource implications. Having desired outcomes beyond the capacity to deliver. Town centre viability/perception of Chorley Borough Council
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Venue(s): Town Hall, Chorley; agreed site visits	Timescale: 6 months Start: July 2005 Finish: January 2005
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Information Requirements and Sources:

Documents/evidence: (what/why?)

- Background information on DPE and Parkwise
- Ticket statistics: On Street/Off Street, Appeals: successful/not successful,
- Tickets and Appeals by type of offence
- Training manuals for Parking Attendants
- Regulations and relevant contracts
- Comparisons with other areas for numbers of tickets, numbers of PCN's issued/cancelled and numbers of Parking Attendants.
- Comparisons with rural and urban settings
- Best Practice in other Authorities.

Witnesses: (who, why?)

- Head of Public Space Services
- Executive Member for Traffic and Transportation
- Chorley Borough Councillors, including Councillor Mrs I Smith
- Representative from contractor (NCP)/ Parking Attendants
- Representative from Chorley Chamber of Trade, Disability Liaison Group, Markets Liaison Group
- Members of the Public/residents?

Consultation/Research: (what, why, who?)

- Letters to the local press
- Views of Town Centre Forum
- Questionnaire by Members of the Public, Councillors, Parish Councillors
- Parking Attendants

Site Visits: (where, why, when?)

- Town Centre
- A neighbouring authority or an authority outside of Lancashire: to be determined
- A Parking Attendant training session

Officer Support:

Lead Officer: Alan Capstick

Democratic Services: Ruth Hawes

Corporate Policy Officer: To be identified as required

Likely Budget Requirements:

<u>Purpose</u>	<u>£</u>
Site visits	50
Questionnaire	1,100
Postage and administration	50
Total	1,200

Target Body¹ for Findings/Recommendations

Overview and Scrutiny Committee



SCRUTINY INQUIRY INFORMATION CHECKLIST

Name of Inquiry: Decriminalisation of Parking Enforcement (DPE)

Scrutiny Body: Customer Overview and Scrutiny Panel

Ref.	Information Required	Date	Venue
1	Background information on DPE and Parkwise	9 August 2005	Union Street
2	Ticket Statistics On Street/Off Street, Appeals Successful/Not Successful, Appeals By Offence	9 August 2005	Union Street
3	Comparisons with other areas for numbers of tickets, numbers of PA's, number of PCN's issued and cancelled	9 August 2005	Union Street
4	Articles regarding two reports on the public perception of DPE (Childs report and report by the University of Birmingham)	7 Sept 2005	Town Hall
5	Information relating to Disabled Badge holders	7 Sept 2005	Town Hall
6	An example of a Penalty Charge Notice	7 Sept 2005	Town Hall
7	Publicity information to raise awareness for drivers who park inconsiderately	7 Sept 2005	Town Hall
8	Comparison with rural and urban areas within Chorley	5 October 2005	Town Hall
9	Training Manuals for the PA's		
10	Best practice from other Authorities		
11	Result of questionnaire in relation to DPE undertaken by members of the public, Councillors and Parish Councils		
12	Summary of letters to the local press		



SCRUTINY INQUIRY WITNESS CHECKLIST

Name of Inquiry: Decriminalisation of Parking Enforcement (DPE)

Scrutiny Body: Customer Overview and Scrutiny Panel

Ref.	Witness	Information Required	Date	Venue
1	Executive Member for Traffic and Transportation	Consideration of draft recommendations and feedback as Executive Member		
2	Chorley Borough Councillors	Feedback on experiences/suggestions for possible improvements		
3	Representatives from the contractor (NCP)	Feedback on experiences/suggestions for possible improvements		
4	Parking Attendants	Feedback on experiences/suggestions for possible improvements		
5	Representative from the Disability Liaison Group	Feedback on experiences/suggestions for possible improvements		
6	Representative from the Chorley Chamber of Trade	Feedback on experiences/suggestions for possible improvements		
7	Representative from the Markets Liaison Group	Feedback on experiences/suggestions for possible improvements		
8	Members of the Public	Feedback on experiences/suggestions for possible improvements		
9				
10				

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SCRUTINY INVESTIGATION – PROJECT PLAN							TOPIC: Decriminalisation of Parking Enforcement DPE								
	2005												2006		
TASK	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
1. TOPIC SELECTED	■														
2. SCOPE INQUIRY							■	■							
3. COLLECT EVIDENCE								■	■	■					
4. CONSIDER EVIDENCE											■		■		
5. REPORT													■		
6. FEEDBACK & ACTION														■	
7. MONITOR															

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OVERVIEW AND SCRUTINY WORK PROGRAMME – 2005/06

Function/topic	Assigned to	J	A	S	O	N	D	J	F	M	A	M	J
1. Holding the Executive to Account	OSC												
Annual Budget/Council House Rents								3					
Annual Budget Consultation						3		3					
Provisional full year Performance Indicator										3			
Business Plan and Performance Indicator Updates	ESP				✓			✓	✓	✓	✓		✓
	Com SP				✓			✓	✓	✓	✓		✓
	Cust SP				✓			✓	✓	✓	✓		✓
	OSC				✓			✓	✓	✓	✓		✓
BVPP (Corporate Plan overall performance)		✓											
Monitoring of Sickness Absence (6 monthly update)							✓						✓
Housing Maintenance Budget							3						
Corporate Building Maintenance & Repair Service (6 monthly update)					3						3		
2. Policy Development and Review													
Other to be identified													
3. External Scrutiny/Community Concern Full Scrutiny Inquiry													
Public Participation/Communication	ComSP												
LCC's arrangement for the Scrutiny of health function – Periodic Review	CustSP				3								
Accessibility of Cycling as a Leisure Pursuit	ESP												
Parkwise Scheme	CustSP												
4. Monitoring of Inquiries													
Housing Maintenance Appointments System	CustSP			✓						✓			
Flooding, Flood Prevention and Contingency Plan/Proposals	ESP						✓						✓
Chorley Markets - Occupancy of Stalls & Associated Matters	CustSP			✓						✓			
Juvenile Nuisance	ComSP												
Grass Cutting	ESP						✓						✓
Provision of Youth Activities in Chorley	ComSP							3					
One-Stop Shop	CustSP							3					
5. Other													
O & S Training Programme	OSC			3						✓			
OSC - Overview and Scrutiny Committee Panel ComSP - Community Overview and Scrutiny Panel		ESP - Environment Overview and Scrutiny CustSP - Customer Overview and Scrutiny Panel											

Overview and Scrutiny Topics/Issues to be Programmed

Ref	Topic/Issue Title	Date Included	Priority Score	Source	Brief Description
	<p><u>Full Scrutiny Inquiries</u></p> <p>Priority List</p> <p>IEG Measurement of Council's progress (Cust SP)</p> <p>Reserve List</p> <p><u>Policy Development/Review</u></p> <p>Priority List</p> <p>Reserve List</p>	<p>26/06/03</p>	<p>4 and 4</p>	<p>Overview and Scrutiny Committee A</p>	<p>Referred to Customer O & S Panel</p>