

Local Authority Circular

LAC (2006)17

To: The Chief Executive
County Councils)
Metropolitan District Councils) England
Shire Unitary Councils)
London Borough Councils
Common Council of the City of London
Council of the Isles of Scilly

Copy: SHA Chief Executives
PCT Chief Executives

Date: 21 December 2006

Gateway Reference: 7524

FUNDING TO SUPPORT IMPLEMENTATION OF SMOKEFREE LEGISLATION

Summary

1. The smokefree provisions of the Health Act 2006 (smokefree legislation) will come into force on 1 July 2007. The Government has proposed that first-tier local authorities will be enforcement authorities for the new laws. The Department of Health is making resources available to support first-tier local authorities to undertake this new work.
2. The Department of Health and the Local Government Association have agreed on a total funding package of £29.5 million for first-tier local authorities for 2007/08 (the first year of smokefree legislation). The Department will distribute £5 million of the agreed funding package immediately, with the remainder to be distributed next financial year. Grants will be paid under Section 31 of the Local Government Act 2003 as a specific formula grant with no conditions attached.

Action

3. Funding to individual local authorities for 2006/7 and indicative funding for 2007/8 is detailed in the Annex. There are no conditions attached to the grant to support smokefree implementation.

Background

4. The Health Act 2006 makes provision for prohibiting smoking in certain premises, places and vehicles. The Act also contains powers to make smokefree regulations. The Department of Health consulted on draft smokefree regulations from July to October 2006. Regulations will be laid

shortly. Smokefree legislation will make virtually all enclosed public places and workplaces smokefree.

5. The Department of Health's intention is to create a supportive environment where people are encouraged to comply with the new legislation. We are encouraged by international precedents, where compliance with smoke-free laws has been high.
6. The approach to enforcement will be non-confrontational, focused on raising awareness and understanding to ensure compliance, and enforcement officers are expected to work closely with businesses to build compliance through education, advice and support before the legislation comes into force. Enforcement inspections should be based on risk and, where possible, combined with other regulatory inspections to reduce burdens on business.
7. The Government proposes that first-tier local authorities, together with Port Health Authorities, will have enforcement authority duties under smokefree legislation. This means that the following local authorities will be enforcement authorities for smoke-free legislation:
 - district councils;
 - county councils which have the functions of district councils;
 - London borough councils;
 - Common Council of the City of London; and
 - Council of the Isles of Scilly.
8. We expect that these local authorities will collaborate with other inspection and enforcement bodies where necessary to carry out enforcement responsibilities. Enforcement authorities will have enforcement responsibilities for both smoke-free premises and smoke-free vehicles in their areas, and for enforcement cases that are transferred to them under arrangements with other enforcement authorities.
9. The Department of Health is providing a range of support for local authorities to prepare for the implementation of smokefree legislation. The Department of Health has commissioned the Chartered Institute of Environmental Health to provide a range of training for local authority officers, to ensure understanding of the legislation.
10. In addition, the Department of Health is supporting implementation of smoke-free legislation, including:
 - the provision of guidance directly to all businesses in England;
 - the provision of no-smoking signs free of charge;
 - a comprehensive Smokefree England website: www.smokefreeengland.co.uk; and
 - a freephone Smokefree Information line.

11. The Department will also embark on a high profile awareness raising exercise with the general public and businesses to ensure people are aware of the reasons for this legislation; what it means and when it comes into force; and what individuals and businesses need to do to comply with the new legislation.

Funding

12. Following discussions, the Department of Health and the Local Government Association have agreed on a total funding package of £29.5 million for first-tier local authorities for 2007/08 (the first year of smokefree legislation). In recognition that many local authorities have already commenced preparations and spent resources, the Department will distribute £5 million of the agreed funding package immediately, with the remainder to be distributed next financial year. Grants will be paid under Section 31 of the Local Government Act 2003 as a specific formula grant with no conditions attached.
13. Funding will be allocated using the district-level Environmental, Protective and Cultural Services (EPCS) Relative Needs Formula (RNF). Funding provided immediately will use the 2006/07 RNF with the remainder using the 2007/08 RNF. Funding broken down by local authority is detailed in the Annex.

Cancellation of circular

14. This circular should be cancelled on 1 April 2008.

Enquiries

15. Any queries regarding the contents of this circular should be directed to:

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ANNEX

DETERMINATION OF A GRANT UNDER SECTION 31 OF THE LOCAL GOVERNMENT ACT 2003 TO SUPPORT SMOKEFREE LEGISLATION IMPLEMENTATION

Introduction

1. This determination is made by the Secretary of State for Health (“the Secretary of State”) under Section 31 of the Local Government Act 2003 (c. 26) (“the Act”). It specifies grants which the Secretary of State proposes to pay to certain local authorities in England.
2. Before making this determination the Secretary of State obtained the consent of the Treasury in accordance with Section 31(6) of the 2003 Act.

Amounts payable to authorities

3. Pursuant to Section 31(3) of the Act, the Secretary of State hereby determines that the authorities to which grants are to be paid, and the amount of each grant, are the authorities listed on column 1 of this Annex and the corresponding amounts set out in columns 2 and 3.

Purpose of the grant

4. The grant may be used towards expenditure incurred or to be incurred by local authorities.

Payment

5. The grant monies for 2006/07 shall be payable on or before 31 March 2007.
6. The grant monies for 2007/08 shall be payable on or before 30 April 2007.

Signed by authority of the Secretary of State
7 December 2006

Local Authority	2006/07 Grant Allocation (£)	2007/08 Grant Allocation (£)	Total (£)
Inner London Boroughs incl. City	506,668	2,493,470	3,000,138
Outer London Boroughs	530,263	2,597,296	3,127,558
London sub-total	1,036,931	5,090,765	6,127,696
Metropolitan sub-total	1,108,116	5,415,648	6,523,765
Shire Unitary Authorities	806,087	3,944,775	4,750,862
Shire Districts	2,048,865	10,048,811	12,097,677
Shire sub-total	2,854,953	13,993,586	16,848,539
England Total	5,000,000	24,500,000	29,500,000

Please note that figures may not sum exactly due to rounding

Local Authority	2006/07 Grant Allocation (£)	2007/08 Grant Allocation (£)	Total (£)
<i>Inner London</i>			
City of London	10,893	53,451	64,344
Camden	45,269	223,476	268,745
Greenwich	30,976	152,142	183,118
Hackney	39,162	191,942	231,105
Hammersmith and Fulham	32,256	158,175	190,432
Islington	34,738	170,518	205,256
Kensington and Chelsea	40,606	203,252	243,858
Lambeth	43,400	211,701	255,102
Lewisham	34,325	167,341	201,665
Southwark	45,306	221,206	266,512
Tower Hamlets	45,693	224,785	270,478
Wandsworth	40,533	198,745	239,278
Westminster	63,512	316,734	380,246
Sub-total	506,668	2,493,470	3,000,138
<i>Outer London</i>			
Barking and Dagenham	19,848	97,437	117,285
Barnet	35,626	175,292	210,918
Bexley	20,706	101,417	122,123
Brent	34,710	168,608	203,318
Bromley	27,268	133,885	161,153
Croydon	35,318	173,044	208,362
Ealing	36,631	178,877	215,508
Enfield	31,812	155,935	187,747
Haringey	30,296	147,840	178,136
Harrow	22,335	109,207	131,542
Havering	20,881	102,369	123,250
Hillingdon	26,059	127,887	153,946
Hounslow	24,091	117,595	141,686
Kingston upon Thames	15,408	75,937	91,345
Merton	21,350	104,740	126,090
Newham	37,032	181,198	218,230
Redbridge	26,704	130,966	157,669
Richmond upon Thames	18,579	91,826	110,405
Sutton	18,121	88,980	107,101
Waltham Forest	27,489	134,255	161,744
Sub-total	530,263	2,597,296	3,127,558
London sub-total	1,036,931	5,090,765	6,127,696

Local Authority	2006/07 Grant Allocation (£)	2007/08 Grant Allocation (£)	Total (£)
Metropolitan Districts			
Barnsley	21,214	103,800	125,014
Birmingham	111,113	544,177	655,290
Bolton	26,166	127,975	154,141
Bradford	49,145	241,405	290,550
Bury	16,881	82,617	99,498
Calderdale	17,800	86,996	104,795
Coventry	30,864	150,715	181,579
Doncaster	26,989	131,800	158,789
Dudley	27,860	136,035	163,896
Gateshead	19,775	96,397	116,172
Kirklees	34,934	170,946	205,880
Knowsley	16,902	82,386	99,287
Leeds	68,526	334,896	403,422
Liverpool	55,001	268,361	323,362
Manchester	54,576	267,460	322,036
Newcastle upon Tyne	29,495	143,830	173,325
North Tyneside	18,774	91,926	110,700
Oldham	22,128	108,048	130,177
Rochdale	20,971	102,574	123,545
Rotherham	23,544	115,116	138,660
Salford	23,071	112,473	135,544
Sandwell	29,739	145,140	174,879
Sefton	27,635	134,787	162,422
Sheffield	50,834	248,350	299,184
Solihull	17,022	83,071	100,093
South Tyneside	16,195	78,853	95,047
St Helens	17,380	84,678	102,058
Stockport	24,630	120,072	144,702
Sunderland	29,190	142,351	171,541
Tameside	21,081	103,002	124,084
Trafford	19,371	94,757	114,128
Wakefield	29,276	143,285	172,562
Walsall	24,883	121,430	146,313
Wigan	29,433	143,973	173,406
Wirral	31,188	152,341	183,529
Wolverhampton	24,528	119,623	144,151
Metropolitan sub-total	1,108,116	5,415,648	6,523,765

Local Authority	2006/07 Grant Allocation (£)	2007/08 Grant Allocation (£)	Total (£)
<i>Shire Unitary Authorities</i>			
Bath & North East Somerset	14,805	72,575	87,380
Blackburn with Darwen	14,735	71,985	86,720
Blackpool	15,862	77,593	93,455
Bournemouth	15,357	75,199	90,556
Bracknell Forest	10,588	51,761	62,349
Brighton & Hove	28,328	139,018	167,346
Bristol	40,320	197,282	237,602
Darlington	9,500	46,468	55,968
Derby	22,331	109,208	131,539
East Riding of Yorkshire	28,608	140,644	169,252
Halton	11,951	58,338	70,289
Hartlepool	9,733	47,532	57,265
Herefordshire	16,304	79,949	96,253
Isle of Wight Council	12,984	63,901	76,885
Isles of Scilly	270	1,348	1,617
Kingston upon Hull	26,120	126,906	153,026
Leicester	32,819	160,188	193,007
Luton	18,941	92,536	111,477
Medway	22,851	112,101	134,952
Middlesbrough	14,758	71,611	86,368
Milton Keynes	19,871	97,902	117,774
North East Lincolnshire	15,181	74,026	89,207
North Lincolnshire	13,958	68,340	82,298
North Somerset	16,967	83,399	100,365
Nottingham	30,324	147,942	178,265
Peterborough	15,224	74,592	89,815
Plymouth	23,297	113,830	137,127
Poole	11,154	54,489	65,643
Portsmouth	21,382	104,680	126,062
Reading	14,842	72,645	87,488
Redcar and Cleveland	13,574	66,061	79,635
Rutland	3,069	15,075	18,144
Slough	12,868	62,791	75,660
South Gloucestershire	20,671	101,604	122,275
Southampton	22,366	109,540	131,907
Southend-on-Sea	15,601	76,336	91,937
Stockton-on-Tees	17,676	86,567	104,243
Stoke-on-Trent	23,967	116,666	140,634
Swindon	16,152	79,216	95,368
Telford and the Wrekin	14,244	69,834	84,079
Thurrock	14,141	69,473	83,614
Torbay	12,853	63,165	76,017
Warrington	17,273	84,502	101,775
West Berkshire	12,579	61,523	74,103

Local Authority	2006/07 Grant Allocation (£)	2007/08 Grant Allocation (£)	Total (£)
Windsor and Maidenhead	11,686	57,158	68,844
Wokingham	12,122	59,397	71,519
York	15,879	77,877	93,756
Sub-total	806,087	3,944,775	4,750,862

Local Authority	2006/07 Grant Allocation (£)	2007/08 Grant Allocation (£)	Total (£)
Shire Districts			
Adur	5,057	24,764	29,821
Allerdale	8,994	43,966	52,960
Alnwick	2,951	14,418	17,369
Amber Valley	10,030	49,195	59,226
Arun	12,381	60,966	73,348
Ashfield	10,209	50,049	60,258
Ashford	9,421	46,561	55,982
Aylesbury Vale	14,584	71,554	86,137
Babergh	7,106	34,858	41,964
Barrow-in-Furness	7,222	35,120	42,342
Basildon	15,944	77,956	93,900
Basingstoke and Deane	12,695	62,238	74,933
Bassetlaw	10,226	50,142	60,367
Bedford	14,443	71,027	85,471
Berwick-upon-Tweed	2,521	12,309	14,831
Blaby	7,141	35,041	42,182
Blyth Valley	7,730	37,800	45,530
Bolsover	6,761	33,157	39,919
Boston	5,292	25,997	31,289
Braintree	11,695	57,695	69,390
Breckland	11,182	55,113	66,295
Brentwood	5,790	28,251	34,041
Bridgnorth	4,638	22,666	27,304
Broadland	9,723	47,850	57,573
Bromsgrove	7,128	34,907	42,035
Broxbourne	8,107	39,806	47,914
Broxtowe	8,916	43,576	52,492
Burnley	8,956	43,584	52,539
Cambridge	11,067	54,390	65,457
Cannock Chase	8,107	39,704	47,810
Canterbury	12,419	61,185	73,605
Caradon	7,249	35,556	42,805
Carlisle	9,614	47,123	56,737
Carrick	8,154	40,051	48,205
Castle Morpeth	4,217	20,555	24,772
Castle Point	7,286	35,661	42,947
Charnwood	12,898	63,176	76,074
Chelmsford	12,794	62,593	75,388
Cheltenham	9,710	47,518	57,228
Cherwell	11,878	58,550	70,428
Chester	10,940	53,447	64,387
Chesterfield	9,315	45,547	54,862
Chester-le-Street	4,883	23,834	28,716
Chichester	9,057	44,435	53,492

Local Authority	2006/07 Grant Allocation (£)	2007/08 Grant Allocation (£)	Total (£)
Chiltern	6,996	34,123	41,119
Chorley	8,727	42,809	51,536
Christchurch	3,617	17,730	21,347
Colchester	13,268	65,041	78,310
Congleton	7,270	35,628	42,898
Copeland	6,495	31,712	38,207
Corby	5,030	24,551	29,581
Cotswold	7,300	35,827	43,126
Craven	4,735	23,185	27,920
Crawley	9,990	48,748	58,738
Crewe and Nantwich	10,081	49,494	59,576
Dacorum	12,082	59,057	71,139
Dartford	7,898	38,710	46,608
Daventry	6,606	32,625	39,231
Derbyshire Dales	6,016	29,433	35,449
Derwentside	8,315	40,685	49,000
Dover	9,581	46,931	56,512
Durham	7,980	39,021	47,000
Easington	9,743	47,422	57,165
East Cambridgeshire	6,968	34,490	41,458
East Devon	10,928	53,768	64,696
East Dorset	6,578	32,282	38,860
East Hampshire	8,874	43,406	52,280
East Hertfordshire	11,194	54,941	66,135
East Lindsey	13,364	65,865	79,229
East Northamptonshire	7,067	34,956	42,023
East Staffordshire	9,325	45,764	55,088
Eastbourne	8,868	43,683	52,551
Eastleigh	9,329	45,829	55,158
Eden	4,862	23,926	28,788
Ellesmere Port and Neston	7,114	34,693	41,807
Elmbridge	10,617	52,258	62,876
Epping Forest	10,834	53,015	63,849
Epsom and Ewell	5,770	28,340	34,110
Erewash	9,443	46,216	55,659
Exeter	10,789	52,966	63,755
Fareham	8,517	41,808	50,325
Fenland	8,042	39,645	47,687
Forest Heath	4,913	24,270	29,183
Forest of Dean	7,150	35,083	42,233
Fylde	6,605	32,457	39,062
Gedling	9,401	45,930	55,331
Gloucester	10,229	50,159	60,387
Gosport	6,999	34,323	41,322
Gravesham	8,614	42,110	50,724
Great Yarmouth	9,205	45,163	54,368
Guildford	11,310	55,507	66,818

Local Authority	2006/07 Grant Allocation (£)	2007/08 Grant Allocation (£)	Total (£)
Hambleton	7,378	36,145	43,523
Harborough	6,680	32,963	39,643
Harlow	7,449	36,392	43,841
Harrogate	12,854	63,012	75,866
Hart	6,351	31,085	37,437
Hastings	8,759	42,919	51,679
Havant	10,044	49,104	59,147
Hertsmere	8,340	40,880	49,220
High Peak	7,650	37,438	45,087
Hinckley and Bosworth	8,386	41,102	49,489
Horsham	9,767	47,991	57,758
Huntingdonshire	13,578	66,852	80,431
Hyndburn	8,115	39,661	47,776
Ipswich	10,864	53,159	64,024
Kennet	6,543	32,054	38,597
Kerrier	8,903	43,761	52,664
Kettering	7,531	37,058	44,589
King's Lynn and West Norfolk	12,778	62,789	75,567
Lancaster	12,929	63,234	76,163
Lewes	7,871	38,632	46,503
Lichfield	7,757	37,929	45,686
Lincoln	8,416	41,147	49,563
Macclesfield	12,405	60,581	72,986
Maidstone	11,876	58,338	70,214
Maldon	5,149	25,362	30,510
Malvern Hills	6,392	31,351	37,743
Mansfield	9,085	44,348	53,432
Melton	4,153	20,375	24,527
Mendip	9,193	45,129	54,322
Mid Bedfordshire	10,470	51,741	62,211
Mid Devon	6,554	32,272	38,826
Mid Suffolk	7,482	36,786	44,267
Mid Sussex	9,714	47,486	57,200
Mole Valley	6,753	33,053	39,807
New Forest	14,162	69,475	83,637
Newark and Sherwood	9,652	47,329	56,981
Newcastle-under-Lyme	10,518	51,374	61,892
North Cornwall	7,971	39,239	47,210
North Devon	8,357	41,051	49,407
North Dorset	5,532	27,243	32,776
North East Derbyshire	8,373	40,909	49,282
North Hertfordshire	10,130	49,776	59,906
North Kesteven	8,822	43,748	52,570
North Norfolk	9,137	44,884	54,020
North Shropshire	5,415	26,608	32,023
North Warwickshire	5,301	25,894	31,196
North West Leicestershire	7,398	36,422	43,820

Local Authority	2006/07 Grant Allocation (£)	2007/08 Grant Allocation (£)	Total (£)
North Wiltshire	10,631	52,173	62,804
Northampton	17,757	86,728	104,485
Norwich	12,906	63,124	76,030
Nuneaton and Bedworth	10,837	53,034	63,871
Oadby and Wigston	4,547	22,316	26,863
Oswestry	3,428	16,816	20,244
Oxford	14,395	70,925	85,320
Pendle	8,790	42,888	51,678
Penwith	6,226	30,494	36,720
Preston	13,272	64,812	78,084
Purbeck	3,774	18,477	22,251
Redditch	6,671	32,622	39,293
Reigate and Banstead	10,612	52,014	62,626
Restormel	8,959	44,162	53,121
Ribble Valley	4,753	23,429	28,181
Richmondshire	4,383	21,598	25,981
Rochford	6,354	31,185	37,538
Rossendale	5,944	29,044	34,988
Rother	7,719	37,891	45,610
Rugby	7,754	38,041	45,795
Runnymede	6,788	33,272	40,060
Rushcliffe	8,645	42,441	51,086
Rushmoor	7,358	35,841	43,199
Ryedale	4,795	23,469	28,264
Salisbury	9,976	48,972	58,948
Scarborough	10,365	50,676	61,041
Sedgefield	8,592	41,957	50,549
Sedgemoor	9,680	47,619	57,299
Selby	6,455	31,686	38,141
Sevenoaks	9,215	45,051	54,265
Shepway	9,276	45,671	54,947
Shrewsbury and Atcham	8,158	39,838	47,996
South Bedfordshire	9,880	48,436	58,316
South Bucks	4,971	24,302	29,273
South Cambridgeshire	11,159	55,035	66,194
South Derbyshire	7,437	36,709	44,146
South Hams	7,204	35,267	42,471
South Holland	7,037	34,758	41,795
South Kesteven	10,681	52,424	63,105
South Lakeland	8,701	42,512	51,214
South Norfolk	9,664	47,567	57,231
South Northamptonshire	6,906	34,078	40,984
South Oxfordshire	10,756	52,770	63,526
South Ribble	8,538	41,831	50,369
South Shropshire	3,896	19,063	22,959
South Somerset	13,091	64,289	77,380
South Staffordshire	8,668	42,277	50,946

Local Authority	2006/07 Grant Allocation (£)	2007/08 Grant Allocation (£)	Total (£)
Spelthorne	7,732	37,765	45,497
St Albans	11,188	55,025	66,213
St Edmundsbury	8,331	40,907	49,238
Stafford	10,096	49,346	59,442
Staffordshire Moorlands	8,274	40,474	48,748
Stevenage	7,234	35,418	42,652
Stratford-on-Avon	9,943	48,911	58,854
Stroud	8,979	44,029	53,008
Suffolk Coastal	9,764	47,921	57,684
Surrey Heath	6,391	31,300	37,691
Swale	11,523	56,734	68,256
Tamworth	6,407	31,313	37,719
Tandridge	6,690	32,822	39,512
Taunton Deane	9,249	45,580	54,829
Teesdale	2,355	11,514	13,869
Teignbridge	10,859	53,352	64,212
Tendring	13,020	64,036	77,056
Test Valley	9,244	45,347	54,591
Tewkesbury	6,586	32,372	38,958
Thanet	12,745	62,496	75,242
Three Rivers	7,084	34,788	41,871
Tonbridge and Malling	8,746	42,960	51,706
Torridge	6,054	29,851	35,905
Tunbridge Wells	8,779	42,971	51,750
Tynedale	5,308	25,968	31,276
Uttlesford	5,915	28,996	34,911
Vale of White Horse	9,663	47,394	57,057
Vale Royal	10,770	52,934	63,704
Wansbeck	5,924	28,888	34,812
Warwick	11,855	58,501	70,357
Watford	7,704	37,659	45,363
Waveney	10,414	51,138	61,552
Waverley	9,617	47,034	56,650
Wealden	11,538	56,657	68,195
Wear Valley	6,185	30,155	36,340
Wellingborough	6,593	32,308	38,901
Welwyn Hatfield	8,839	43,256	52,095
West Devon	4,555	22,370	26,926
West Dorset	8,571	42,129	50,701
West Lancashire	9,867	48,258	58,125
West Lindsey	7,806	38,412	46,218
West Oxfordshire	8,306	40,754	49,060
West Somerset	3,345	16,381	19,727
West Wiltshire	10,269	50,650	60,919
Weymouth and Portland	5,739	28,148	33,887
Winchester	9,314	45,751	55,064
Woking	7,720	37,812	45,532

Local Authority	2006/07 Grant Allocation (£)	2007/08 Grant Allocation (£)	Total (£)
Worcester	8,035	39,348	47,384
Worthing	8,684	42,622	51,306
Wychavon	9,738	47,826	57,564
Wycombe	13,421	65,466	78,888
Wyre	9,810	48,226	58,036
Wyre Forest	8,476	41,400	49,876
Sub-total	2,048,865	10,048,811	12,097,677
Shire sub-total	2,854,953	13,993,586	16,848,539