

Cabinet Member for Culture, Leisure, Sports and Parks

21 January 2016

**Name of Cabinet Member:**

Councillor A Khan

**Director Approving Submission of the report:**

Executive Director of Place

**Ward(s) affected:**

Henley

**Title:** Report in response to a petition regarding smoking in Hall Lane

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**Is this a key decision?**

No

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**Executive Summary:**

A petition containing 322 signatures was submitted to the City Council on 7<sup>th</sup> July 2015. The petition outlines residents' concerns in relation to customers and employees from the University Hospital, Coventry & Warwickshire NHS Trust at Walsgrave, smoking in the street and generally causing a nuisance with noise and litter.

They requested that the Council make Hall Lane a smoke free street and that the Hospital take responsibility for the results of their no smoking policy.

Cabinet Member, at a meeting on 24<sup>th</sup> September 2015, deferred any formal decision and gave the Hospital an opportunity to determine how they proposed to reduce, or eliminate the adverse effect of smokers gathering in Hall Lane. It was noted that the vast majority of smokers were hospital employees.

**Recommendations:**

The Cabinet Member is recommended to:-

- (1) Consider any response received from University Hospital, Coventry & Warwickshire NHS Trust and request that the petition be passed to them so that they might work with local residents to achieve a mutually convenient solution.
- (2) Request that Neighbourhood Enforcement Officers routinely patrol and enforce any littering caused by smokers specifically in Hall Lane.

**List of Appendices included:**

None

**Background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

## Report title: Report in response to a petition regarding Smoking in Hall Lane

### 1. Context (or background)

- 1.1 A petition containing 322 signatures was submitted to the City Council, sponsored by Councillor Ed Ruane on 7<sup>th</sup> July 2015. The petition outlines residents' concerns in relation to customers and employees from the University Hospital, Coventry & Warwickshire NHS Trust at Walsgrave, smoking in Hall Lane and generally causing a nuisance with noise and litter. The petitioners are requesting that the Council make Hall Lane a smoke free street and that the Hospital take responsibility for the results of their no smoking policy.
- 1.2 On 1 January 2015 the Hospital brought in a smoking ban on its entire site, for employees and visitors. Since the introduction of the ban Hall Lane residents state that there was an immediate influx of people from the Hospital site smoking in their road. On occasion it is claimed that up to 30 people can congregate, causing nuisance from noise and litter.
- 1.3 The people congregating in Hall Lane, smoking and engaging in normal conversation, whilst causing an apparent nuisance to local residents, are not in breach of legislation. Littering though, is a criminal offence. Since 1<sup>st</sup> April 2015 officers have issued 17 fixed penalty notices for littering in Hall Lane, 11 of the offences were caused by hospital employees.
- 1.4 Cabinet Member for Policing and Equalities on 24<sup>th</sup> September 2015, deferred any formal decision and gave the Hospital an opportunity to determine how they proposed to reduce, or eliminate the adverse effect of smokers gathering in Hall Lane.

### 2 Options considered and recommended proposal

- 2.1 The Council could potentially introduce a Public Space Protection Order (PSPO) under the Anti-social Behaviour, Crime and Policing Act 2014 to prohibit smoking in Hall Road; contravening the PSPO would result in the issuing of a fixed penalty notice (FPN) and prosecution in the event of non-payment. However, this is viewed as inappropriate for the following reasons:
  - **The area covered by the PSPO.** To be effective the area covered by the PSPO would have to surround the hospital and be sufficiently large to deter smoking. Banning smoking in Hall Lane alone would only move the problem to a different locality surrounding the hospital. Unless the designated area was sufficiently large, hospital employees and visitors would merely move to the edge of the designated geographic area in the PSPO before smoking.
  - **Potential to criminalise local people.** The PSPO is non-specific and would also apply to local residents and their visitors too. Consequently, somebody coming out of their house and smoking in the street would be committing an offence if it was within the area designated in the PSPO.
  - **Unlikely to be popular.** If we were to introduce a PSPO, we would have to consult widely on its impact. Officers believe that there would be a substantial number of local people and organisations who would object to this course of action and view this action as disproportionate.
  - **Insufficient resource.** The Council does not have adequate resources to patrol and enforce a PSPO of this description in what potentially would be a large geographic area.
- 2.3 The problems experienced by local residents in Hall Road began when the Hospital's smoking policy was changed to prohibit smoking on its entire premise. Furthermore, the majority of the problem results from the Hospital's own employees. It is likely therefore that any potential long term solution lies with the Hospital. Cabinet Member for Policing and

Equalities asked officers to write to the Hospital to determine how they proposed to reduce, or eliminate the adverse effect of smokers gathering in Hall Lane. At the time of writing this report, no formal response had been received from the hospital. If a response is received this will be brought to the meeting.

2.4 The Council recognises the inconvenience caused to residents in Hall Road. Cabinet Member is recommended to:

- (1) Consider any response received from University Hospital, Coventry & Warwickshire NHS Trust and request that the petition be passed to them so that they might work with local residents to achieve a mutually convenient solution.
- (2) Request that Neighbourhood Enforcement Officers routinely patrol and enforce any littering caused by smokers specifically in Hall Lane.

### **3 Results of consultation undertaken**

3.1 The Council has consulted on this issue with the Hospital and West Midlands Police. It is believed that this is an issue best resolved by the Hospital with the residents in Hall Lane.

### **4 Timetable for implementing this decision**

- 4.1 The petition can be passed from the Council to the Hospital following approval of this report.
- 4.2 Neighbourhood Enforcement Officers are already routinely carrying out patrols in this area and litter enforcement is being enacted.

### **5 Comments from Executive Director of Resources**

#### **5.1 Financial implications**

There are no direct financial costs as a result of the recommendations in this report.

#### **5.2 Legal implications**

The petition can be passed on from the Council to the Hospital following approval of this report. It has been confirmed by legal services that this is permitted under the Council's constitution.

### **6 Other implications**

None

#### **6.1 How will this contribute to the Council Plan ([www.coventry.gov.uk/councilplan/](http://www.coventry.gov.uk/councilplan/))?**

##### **Crime and Disorder**

Tackling crime and anti-social behaviour through partnership working is central to the delivery of the Community Safety Plan and Strategic Assessment 2014/15.

#### **6.2 How is risk being managed?**

The Community Safety Officer(s) continues to monitor nuisance levels in the area.

The Council continue to incorporate the area in their patrol strategies and work schedule and will monitor behaviour of individuals and the condition and cleanliness of the area.

#### **6.3 What is the impact on the organisation?**

None

#### 6.4 Equalities / EIA N/A 6.5 Implications for (or impact on) the environment

The purpose of taking action to address smoking in the street, in an attempt to improve the environment and wellbeing of the community.

#### 6.6 Implications for partner organisations?

The multi-agency action plan outlines the individual and collective commitments from agencies to respond to the issues in the petition.

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