

NOTICE OF POLICY DECISIONS

The Community Services Committee made the following decisions at its meeting on 1 September 2005:-

<u>Item</u>	<u>Decision</u>
Consultation on Smoking Ban Proposals (Minute 320/05)	<p>That the following comments be submitted to the Department of Health:-</p> <ol style="list-style-type: none">(1) That all cigarettes and tobacco products, including herbal cigarettes are included in the definition. This will reduce the burden of proof on the enforcing authority.(2) That the exemptions for permitting smoking in non-food pubs be removed. This is an unworkable exemption and does not protect the health of employees in these environments.(3) Rochford District Council supports the principle of allowing those licensed premises that do not serve food to determine for themselves whether to allow smoking, but the Council would wish to see it made a requirement that employees are made aware of the smoking status of the premises before starting employment. The proposals in respect of other enclosed public places and workplaces are supported.(4) That the forcing of licensed premises to choose between providing food or permitting smoking may lead to the unintentional creation of a less family friendly atmosphere and more binge-drinking.

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- (5) That the second defence be qualified that where smoking continues, despite the manager having previously asked the smoker to stop, he is required by law to ask the smoker to leave the premises. This would then act as a defence of “due diligence”; that the manager had done everything within his power to prevent smoking in the premises.
- (6) That the level of fines is unlikely to be a sufficient deterrent and that measures should be introduced within the proposals for higher fines for repeat offences.
- (7) Support is given to the New Burdens Doctrine, welcoming the reimbursement to local authorities for any extra costs that they face as a result of this policy, and that it is essential for all enforcing authorities to be fully funded for the new duties.
- (8) The Council is concerned that managers and enforcement staff will be very vulnerable to violence when attempting to investigate or enforce against offences, particularly in issuing fixed penalty notices against those smoking in non-smoking licensed premises.
(HHHCC)

**Report of the Windmill
Sub-Committee
(Minute 321/05)**

- (1) That the District Council develop proposals for the formal Civic opening of the Windmill in December and include the hosting of a musical event, such as the singing of Christmas Carols.
- (2) That a bid for additional funding of £100,000 be submitted to Thames Gateway.

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(3) That, subject to detailed terms of reference/reporting lines being considered by the Windmill Sub-Committee, arrangements be made for the setting up of a Management Group that would have overall control of events and bookings, with the Arts Developments officer or other appointed Council Officer acting as facilitator. The Group should include a representative of Rochford District Council, Rayleigh Town Council, the National Trust, the Rayleigh Historical Society and Holmes Place. The Group should meet on a quarterly basis to provide overall management control.

(4) That officers investigate ways and means of licensing the Windmill for weddings and seek to negotiate with Holmes Place to achieve a package that will attract brides and grooms.
(CD(F&ES))

**Pooles Lane, Hullbridge –
Proposed extension to
playspace**
(Minute 322/05)

(1) That the use of additional Rochford District Council land to expand the playspace, with equipment funded through the Parish Council and grants they have secured, be agreed.

(2) That the additional maintenance costs, as set out in the report, be accepted for inclusion in future budget estimates.

(3) That a press release be issued highlighting the partnership/joint funding nature of this initiative. (CD(F&ES))

**Playspace Rolling
Programme 2005/06**
(Minute 323/05)

That the programme of playspace refurbishments, as set out at paragraph 3.2 of the report, be agreed. (CD(F&ES))

The above decisions will come into force, and may then be implemented, on the expiry of five working days after the publication of this Notice, unless referred to Full Council by a minimum of 3 Members or called in by an Overview and Scrutiny Committee.

Signed
Head of Administrative and Member Services

Dated...020905.....