

Taunton Deane Borough Council

Full Council - 10 December 2013

Local Government Declaration on Tobacco Control

(This matter is the responsibility of Vivienne Stock-Williams,
Health and Wellbeing Board Representative)

1. Executive Summary

That the Council endorses the Health and Wellbeing Board recommendations that:-

- The Council signs the Local Government Declaration on Tobacco Control; and
- The Council supports the Somerset County Council (SCC) request to the Pensions Committee to reconsider its investment policy in relation to the tobacco industry.

2. Background

- 2.1 Smoking is the single greatest cause of premature death and disease in Somerset, and the single largest factor in health inequalities. It is also a major driver of poverty. The move of public health to local government presents an opportunity for local authorities to lead local action to tackle smoking, and to ensure that the tobacco industry is not able to influence local tobacco control policy.
- 2.2 Every year in England more than 80,000 people die from smoking related diseases. This is more than the combined total of the next six causes of preventable deaths, including alcohol and drugs misuse. Smoking accounts for one third of all deaths from respiratory disease, over one quarter of all deaths from cancer, and about one seventh of all deaths from heart disease. On average a smoker loses 10 years of life. The earlier you stop, the less life you lose.
- 2.3 **Reducing smoking in our communities significantly increases household incomes and benefits the local economy.** The annual cost of smoking to the United Kingdom (UK) national economy has been estimated at £13.7 billion. A smoker consuming a pack of twenty cigarettes a day will spend around £2,500 a year on their habit. Based on 2009 prices, poorer smokers proportionately spend five times as much of their weekly household budget on smoking than do richer smokers. If poorer smokers quit they are more likely to spend the money they save in their local communities

- 2.4 **Reducing smoking amongst the most disadvantaged in our communities is the single most important means of reducing health inequalities.** About half of all smokers in England work in routine and manual occupations. Workers in manual and routine jobs are twice as likely to smoke as those in managerial and professional roles. The poorer and more disadvantaged you are, the more likely you are to smoke and as a result to suffer smoking-related disease. Ill-health caused by smoking is therefore much more common amongst the poorest and most disadvantaged in society.
- 2.5 **Smoking is an addiction largely taken up by children and young people.** Two thirds of smokers start before the age of 18, and across the UK more than 200,000 children aged between 11 and 15 start to smoke every year, even though it is illegal to sell cigarettes to anyone below the age of 18. Two thirds of smokers say they began before they were legally old enough to buy cigarettes. Research shows that by the age of 20, four fifths of smokers regret they ever started. Growing up around smoke puts children at a major health disadvantage in life. Children exposed to tobacco smoke are at much greater risk of cot death, meningitis, lung infections and ear disease, resulting in around 10,000 hospital admissions each year.
- 2.6 **The smoking epidemic.** The tobacco industry needs to recruit 200,000 smokers a year in the UK to maintain current levels of consumption, replacing those smokers who have stopped or who have died from diseases related to their addiction. The great majority of these new smokers will be under 18 years old. Although tobacco advertising is now banned in the UK, the tobacco multinationals use packaging of their products to try to attract young people in general, with specific brands aimed at target groups such as young women.
- 2.7 **The illicit trade in tobacco funds the activities of organised criminal gangs and gives children access to cheap tobacco.** HM Revenue and Customs estimate that in 2010/2011, the illicit market in cigarettes accounted for about 9% of the UK market, and the illicit market in hand-rolled tobacco accounted for about 38% of the UK market. The total amount of revenue lost to the Exchequer was estimated at £1.20 billion for cigarettes and £0.66 billion for hand-rolled tobacco. (All figures are mid-range estimates).

3. Framework Convention on Tobacco Control

- 3.1 The Framework Convention on Tobacco Control (FCTC) is the World's first Public Health Treaty, negotiated through the World Health Organisation. It has been ratified by more than 170 countries, including the UK. Key provisions include support for price and tax measures to reduce the demand for tobacco products; public protection from exposure to tobacco smoke; regulation of the contents of tobacco products; controlling tobacco advertising, promotion and sponsorship; measures to reduce tobacco dependence and promote cessation;

tackle licit trade in tobacco products; and end sales to children. Article 5.3 commits Parties to protecting their public health policies from the commercial and vested interests of the tobacco industry and the UK has explicitly committed to live up to this obligation in Chapter 10 of the Tobacco Control Plan for England.

- 3.2 The FCTC is binding on all levels of Government, including local government. The national tobacco control plan aims to reduce smoking prevalence, in line with the FCTC commitment “to reduce continually and substantially the prevalence of tobacco use.” Specifically, the national plan is to cut the number of smokers by 210,000 every year. Guidelines on compliance for the Parties to article 5.3 of the Convention include the following provisions:-

“Government institutions and their bodies should not have any financial interest in the tobacco industry....”

“Parties that do not have a State-owned tobacco industry should not invest in the tobacco industry and related ventures....”

- 3.3 The Somerset County Pension Fund, administered by the County Council through the Pensions Committee, invests in tobacco companies as part of its portfolio of investments. Approximately 1.4% of the fund is currently invested directly in tobacco stocks, amounting to some £19,200,000, producing around £800,000 per annum income.
- 3.4 Since the turn of the century there has been substantial investment in smoking cessation within the NHS, a service that is now commissioned by local authorities. The Government has also invested heavily in mass media campaigns to both reduce uptake and encourage cessation. Currently Somerset spends about the equivalent of two packs of cigarettes per smoker in the County on tobacco control and smoking cessation. Return on investment calculations show this spending is highly cost-effective for the local economy.
- 3.5 The Health and Social Care Act 2012, which transferred public health duties to local authorities includes this wording:-

“Each local authority must take such steps as it considers appropriate for improving the health of the people in its area.

- 3.6 The Health and Wellbeing Board, at its meeting on 26 September 2013, agreed that it is appropriate for improving public health in Somerset to divest from tobacco, and to ask SCC Full Council to request the Pensions Committee to reconsider its investment policy accordingly. The Board also asked the District Councils to seek a review of the investment policy.

4. Local Government Declaration on Tobacco Control

4.1 The Local Government Declaration on Tobacco Control (Appendix A) is a response to the enormous and on-going damage smoking does to our communities. It is a commitment to take action and a statement about a local authority's dedication to protecting local communities from the harm caused by smoking.

4.2 Further, it is an opportunity for local leadership. The best way to tackle smoking is through a comprehensive approach working with all partners. The Local Government Declaration on Tobacco Control can be a catalyst for local action showing the way for partners both inside and outside the local councils.

4.3 This is a cross-party Declaration built on the same principles as the Nottingham Declaration on Climate Change which is now endorsed by over 300 Councils across the country. At the time of writing the declaration has been signed by the following ten Councils:-

Somerset County Council
Newcastle City Council,
Manchester City Council
Salford City Council
Warwickshire County Council
Hartlepool Borough Council
St Helens Metropolitan Borough Council
Liverpool City Council
Swindon Borough Council
Bath and North East Somerset Council
Bristol City Council

4.4 There is strong cross party consensus on tobacco control with every major party signed up to a comprehensive approach to reduce smoking. Everything contained in the Declaration has previously been committed to at a national level by all political parties. The Declaration is also strongly supported by the wider public health community including The Trading Standards Association, Chartered Institute of Environmental Health and the Association of Directors of Public Health as well as Public Health England, the Public Health Minister and the Chief Medical Officer.

4.5 The FCTC is binding on local government, so strictly speaking there is no need for Full Council to explicitly sign up to the Declaration which makes that commitment explicit. This option was rejected because the binding commitments are little known within local government. Signing the Declaration and the actions that follow will raise awareness and thus limit the likelihood of Taunton Deane Borough Council breaching UK Treaty obligations. Signing the Declaration will also show strong leadership on a key public health issue in the County.

- 4.6 The Pensions Committee has considered tobacco investments in the past, but not in the context of FCTC obligations. Given the conflicting objectives involved, it would be perverse not to ask the Pensions Committee to review its position in the light of the Council signing the Declaration.

5. Link to Corporate Aims

- 5.1 As part of the Council's corporate aim to have a vibrant Social, Cultural and Leisure Environment, it includes an action to "Reduce health inequalities in Taunton Deane and address agreed health issues".

6. Finance Comments

- 6.1 The declaration has been shared with the TDBC Financial Services Manager and there are no adverse financial impacts
- 6.2 SCC administers the pension fund on behalf of all the member employers, so the Pension Committee is quasi-autonomous. Following the SCC recommendation to support the declaration, the Pensions Committee will seek both professional and legal advice before taking any decision to divest. It is important to note that any decision to divest would not result in the loss of £800,000 of income to the SCC Pension Fund, but the marginal difference, if any, between dividends from tobacco and other investments.

7. Legal Comments

- 7.1 Guidelines have been agreed which (while not binding in themselves) reflect the signing parties consolidated views of how best to implement the FCTC. The Guidelines draw on evidence and the practical experience of the Parties in handling tobacco industry tactics, and aim to ensure that efforts to protect tobacco control from the commercial and other vested interests of the tobacco industry are comprehensive and effective.
- 7.2 All Parties to the FCTC, including the UK, agreed the text of the Guidelines through consensus and that they should be implemented by all relevant branches of government. The agreed position is set out in paragraph 10 which states –

"The guidelines are applicable to government officials, representatives and employees of any national, state, municipal, local or other public or semi/quasi-public institution or body within the jurisdiction of a Party, and to any person acting on their behalf. Any government branch (executive, legislative and judiciary) responsible for setting and implementing tobacco control policies and for protecting those policies against tobacco industry interests should be accountable."

- 7.3 The guidelines to the FCTC can be found through the following link:-

http://www.who.int/fctc/text_download/en/index.html

- 7.4 Councils which sign up to the Declaration are committing to taking action on smoking, and will develop plans in partnership to reduce smoking prevalence, monitor progress and publish the results. They will also need to take steps to counter the influence exerted by the tobacco industry. This will require reviews of any relevant work programmes in which the tobacco industry has an involvement, such as the Keep Britain Tidy Group's 'Love Where You Live' campaign, sponsored by Imperial Tobacco, and any involvement with the tobacco industry by Trading Standards in relation to the illegal trade, as well as ensuring there are safeguards against direct or indirect tobacco company influence through lobbying or other means. These reviews will be undertaken by the Health and Wellbeing Board.
- 7.5 If Full Council signs the declaration, we shall look at smoke-free play areas in Taunton Deane on a pilot basis - as successfully implemented in Sedgemoor. A modest amount of money is available through the HWBB tobacco workstream to provide signage and cover some costs of installation as well as undertake an analysis of the outcomes.

8. Environmental and Community Safety Implications

- 8.1 There have been a number of studies that show links between smoking and alcohol and drug abuse both of which have further links to crime and antisocial behaviour. Smoking also presents a fire hazard with careless disposal of cigarettes being cited as the single biggest killer in house fires.

9. Equalities

- 9.1 There is no negative equalities impact from signing the declaration. There will be a positive impact for people in communities who either stop or reduce smoking as a result of actions taken by TDBC and other parties to the agreement in Somerset. Statistics indicate that smoking prevalence is relatively high for people with severe mental illness, lower socio-economic groups, LGBT people and younger adults

10. Risk Management

- 10.1 Any breach of Treaty obligations by the Council would not be actionable in the English courts, but would be a matter for resolution through Treaty mechanisms by the Parties to the Treaty. The risk of action is very low, but would be potentially damaging to the reputation of the Council and the UK. More likely is that civil society organisations would raise any breaches with central government, and the latter would seek assurances from the Council to prevent any further breaches.

11. Partnership Implications

- 11.1 The County Council has now signed up to this and the Somerset Districts Councils present at the Health and Wellbeing Board (28 November 2013) indicated their intention to do the same. The stronger the partnership working on this, the greater the potential positive impact on local communities.

12. Recommendations

- 12.1 The Council is requested to sign the Government Declaration on Tobacco Control.
- 12.2 The Council supports Somerset County Council's request to the Pensions Committee to reconsider its investment policy in relation to the tobacco industry.

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Local Government Declaration on Tobacco Control

We acknowledge that:

- Smoking is the single greatest cause of premature death and disease in our communities;
- Reducing smoking in our communities significantly increases household incomes and benefits the local economy;
- Reducing smoking amongst the most disadvantaged in our communities is the single most important means of reducing health inequalities;
- Smoking is an addiction largely taken up by children and young people, two thirds of smokers start before the age of 18;
- Smoking is an epidemic created and sustained by the tobacco industry, which promotes uptake of smoking to replace the 80,000 people its products kill in England every year; and
- The illicit trade in tobacco funds the activities of organised criminal gangs and gives children access to cheap tobacco.

As local leaders in public health we welcome the:

- Opportunity for local government to lead local action to tackle smoking and secure the health, welfare, social, economic and environmental benefits that come from reducing smoking prevalence;
- Commitment by the government to live up to its obligations as a party to the World Health Organization's Framework Convention on Tobacco Control (FCTC) and in particular to protect the development of public health policy from the vested interests of the tobacco industry; and
- Endorsement of this declaration by the Department of Health, Public Health England and professional bodies.

We commit our Council from this dateto:

- Act at a local level to reduce smoking prevalence and health inequalities and to raise the profile of the harm caused by smoking to our communities;
- Develop plans with our partners and local communities to address the causes and impacts of tobacco use;
- Participate in local and regional networks for support;
- Support the government in taking action at national level to help local authorities reduce smoking prevalence and health inequalities in our communities;
- Protect our tobacco control work from the commercial and vested interests of the tobacco industry by not accepting any partnerships, payments, gifts and services, monetary or in kind or research funding offered by the tobacco industry to officials or employees;
- Monitor the progress of our plans against our commitments and publish the results; and
- Publicly declare our commitment to reducing smoking in our communities by joining the Smokefree Action Coalition, the alliance of organisations working to reduce the harm caused by tobacco.

Signatories

Leader of Council

Chief Executive

Director of Public Health

Endorsed by

Anna Soubry, Public Health Minister,
Department of Health

Duncan Selbie, Chief Executive,
Public Health England

Professor Dame Sally Davies, Chief Medical
Officer, Department of Health

Dr Janet Atherton, President, Association
of Directors of Public Health

Dr Lindsey Davies, President, UK Faculty
of Public Health

Graham Jukes, Chief Executive, Chartered
Institute of Environmental Health

Leon Livermore, Chief Executive, Trading
Standards Institute

