

2.4 The Deputy of St. Martin of the Minister for Health and Social Services regarding the Draft Restriction on Smoking (Amendment No. 2) (Jersey) Law 200-:

On 20th July 2005, the States adopted P.111/2005 and P.126/2005 relating to the restriction of smoking, both of which stated that enforcement would be carried out from within existing health protection resources. Why is the appointment of the Tobacco Control Officer and the need for £50,000 for new funding for out-of-hours support for existing staff, as stated in P.39/2006, now required for enforcement purposes?

Senator S. Syvret (The Minister for Health and Social Services):

The original report and proposition, P.111/2005 and P.126/2005, related to an interim measure in which smoking, within public eating places, would be prohibited; the enforcement of this measure would have been undertaken by Environmental Health Officers who routinely visit food premises as part of their existing duties. In February 2006, I made a statement to the House concerning my intention to move directly to banning smoking in all enclosed work places, thus avoiding the interim measure. So, to make this clear, this legislation extends to all enclosed work places and not merely public eating places. The recent report, and proposition P.39/2006, identifies the need of funding to enforce this much wider legislation, which will involve visits to a significant number of premises not currently within the remit of the department. This new legislation is very important in protecting and improving the health of Islanders. Drawing upon the experience of other jurisdictions, our legislation will be enforced by authorised officers within the Health Protection Department who will need to visit premises - particularly licensed premises - outside normal office hours. Thus, in order to appropriately and effectively enforce new legislation, while fulfilling local employment law and health and safety requirements, a new post of Tobacco Control Officer will be considered for the Health Protection Department. A business case for this post and monies will be considered alongside other health priorities and, only if successful, will be funded from existing monies within the Health and Social Services Department's budget.

2.4.1 The Deputy of St. Martin:

Can I ask the Minister, does he really think that one officer is going to make a huge amount of difference to this piece of legislation? One officer is really only a token gesture and that £50,000 could be better used within the Health Service.

Senator S. Syvret:

No, I do not think it is a token gesture. I agree with some of the views expressed by the Deputy that in all probability, and hopefully, the Law will end up being largely self-enforcing and self-policing. It may be necessary to ensure that the right approach is adopted when the Law is in fact introduced: that enforcement is seen to be done. We would not want a situation to arise, as that which prevails in France, where, in theory, smoking in such premises is banned and yet it is widely and largely ignored the length and breadth of the country. So, it is important that we do, at least initially, make sure that the right approach to smoking is prevailing.

2.4.2 Deputy S.C. Ferguson of St. Brelade:

The Minister is somewhat evangelical about anti-smoking legislation and no smoking. From my experience, all other non-smokers are equally evangelical. Does the Minister really think that this policy will need policing when there are several thousand unofficial policemen who will enforce it?

Senator S. Syvret:

As I have already indicated, perhaps the point made by the Deputy is correct. Hopefully, the legislation will be self-policing and self-enforcing. The point is, I have to stress, that if we are to proceed with the creation of this post, it will be met from within existing resources and it will only come into existence if it meets and competes with the other demands upon the Health and Social Services budget. It will be a component of the internal decision conferencing, as it were, to decide where we allocate Health and Social Services resources. If there are other greater priorities then the monies will not be put towards this post.

2.4.3 Deputy S.C. Ferguson:

Sir, the Minister has just said that it will be met from existing Health and Social Services resources and yet in the P.39 he talks about new funding.

Senator S. Syvret:

If that is the impression given by the wording in that proposition, then I apologise because it has obviously caused some confusion. If the monies are to be allocated to this post it will be from within existing resources of the Health and Social Services Department, not additional resources from central funding.

2.4.4 The Deputy of St. Martin:

If it would help the Minister I have P.39 in front of me and it says: "There are financial manpower implications that arise from this implication arising from this legislation. Enforcement will require the appointment of a Tobacco Control Officer to be located within the Health Protection Department, plus out-of-hours support for existing staff. This will require new funding of circa £50,000". Will the Minister agree then that this will no longer be a fact and this statement from within P.39 will be withdrawn?

Senator S. Syvret:

As I have already indicated, if that is the impression that is given by that wording then I apologise for it. It perhaps was not clear. It was simply put in to make it clear to Members that if in fact this post was to be created it would need funding but that funding will, as I have said on several occasions now, come from within existing resources of the Health and Social Services Department.

2.4.5 Deputy G.C.L. Baudains:

I am slightly confused by the argument. If this £50,000 is going to come from existing resources, presumably the Department has not been wasting £50,000 every year of taxpayers' money. So, obviously, some other service is going to have to be cut in order to provide that. Could the Minister tell us which service that will be?

Senator S. Syvret:

The demands upon the Health and Social Services budget are, indeed, large. It is pretty much a continuous process that the standing of the department is re-evaluated

and re-prioritised. Just off the top of my head, a recent example would be the decision to make the drug, Herceptin, available to patients in Jersey. This is a new additional expenditure, which we are having to re-prioritise within our existing budget. Thus it is that the budget of Health and Social Services is, in certain important respects, constantly being re-evaluated and reapportioned to different areas. As I have said, this particular post will be competing with other demands for Health and Social Services and if it does not receive a high enough priority it will not get the funding.

2.4.6 Deputy P.V.F. Le Claire of St. Helier:

Would the Minister, on the back of that last sentence, not agree with me that as the Island's number one killer - 200 a year - morbidity from smoking is a significant impact upon our resources and, therefore, it is only correct to allocate a small resource of £50,000 a year to help prevent what is a catastrophic cost to this Island on an ongoing annual basis?

Senator S. Syvret:

The Deputy is certainly correct. In view of the professional clinical people who advised me in these matters, smoking is public enemy number one. It creates a significant number of premature deaths in Jersey but, in addition to death, it creates a very substantial amount of chronic and serious health problems for individuals which, as the Deputy alluded to, do have a significant on-cost to the rest of the Island, that is why it is, indeed, money well spent to invest in this kind of programme - smoking cessation - because it is prevention rather than cure.