



**Rt. Hon Michael Gove MP**

Secretary of State for Levelling Up, Housing and Communities  
Department of Levelling Up, Housing and Communities  
Fry Building, 2 Marsham Street  
London SW1P 4DF

11 September 2023

Dear Secretary of State,

**Backing of Smokefree Pavement Licences in the Levelling Up and Regeneration Bill:**

We are writing to you as local councillors to support the London Tobacco Alliance's call for the introduction of a 100% smokefree pavement licence condition in the Government's Levelling Up and Regeneration Bill. Currently, only 'reasonable provision' for some smokefree seating is required, and any councils wishing to go further and make licences 100% smokefree have to provide 'reasonable justification' for doing so on a case-by-case basis. Some have done so, but the burden of providing such justification on a case-by-case basis has discouraged many from doing so, despite the obvious benefits.

Making all pavement licences 100% smokefree is in line with the government's smokefree 2030 ambition to make smoking obsolete and is proportionate to the scale of the damage caused by smoking, which continues to take a huge toll on our communities. Smoking is the biggest preventable cause of death and disease, responsible for around 75,000 deaths per year in England with thirty times as many people living with serious diseases caused by smoking, leading to 500,000 hospital admissions a year. As a result, smoking costs England £14 billion each year in lost productivity through premature death and disability, and a further £3 billion in health and social care costs. The average smoker will spend around £2,500 a year on their addiction, pushing many smoking households into poverty. The costs of smoking fall disproportionately on the NHS, councils, and communities in the most deprived areas of the country, and will continue to do so unless more is done to support smokers to quit.

As part of our responsibility to promote public health, local authorities provide stop smoking services to help smokers quit and stay smokefree. However, we know that being around people who smoke makes it more likely that young people will start smoking themselves, and makes it harder for existing smokers to quit. To quote the Local Government Association, smokefree pavement licensing "sets a level playing field for hospitality venues across the country and has a public health benefit of protecting people from unwanted second-hand smoke ... If smoking is not prohibited, pavement areas will not become family-friendly spaces."

This is also what the public wants. Two-thirds (65%) of a large sample of over 10,000 adults polled by YouGov for ASH in 2023 did not think that the current legislation went far enough and said they wanted smoking banned in the outdoor seating areas of all restaurants, pubs and cafés. Fewer than one in five (19%) opposed a ban. The experience from councils in England that have introduced smokefree pavement licensing has shown that it has proved popular with the public, leading to high levels of compliance, and has not been shown to cause a decrease in revenues.

By designating pavement licences as 100% smokefree environments the Government would be implementing a simple, popular and effective measure to protect children and non-smokers, while providing a more supportive environment for smokers trying to quit and stay smokefree. It would also help to protect staff who have no choice in whether they are exposed to toxic second-hand smoke from customers.

That is why Dr Javed Khan OBE's independent review of smokefree 2030 policies, commissioned by the Secretary of State for Health and published last year, recommended that smoking be prohibited on all outdoor premises where food or drink is served, as well as a ban on smoking in all outdoor areas where children are present.

As you will be aware peers have tabled an amendment to the Levelling Up and Regeneration Bill to introduce a smokefree condition which will be debated when Parliament returns in September. We urge the Government to accept this amendment which will contribute towards the ambition to make England Smokefree by 2030 – an ambition which we are currently on track to miss by 9 years, according to Cancer Research UK.

The Government has announced some welcome measures to begin delivering on the smokefree 2030 ambition, but we are still waiting for the comprehensive strategy needed. Introducing 100% smokefree pavement seating would be a small but important step towards a smokefree future.

Yours sincerely,

Name	Job Title	Council
CLlr Jim Dickson	Cabinet Member for Healthier Communities	London Borough of Lambeth
CLlr Mark Santos	Cabinet Member for Adult Social Care and Health	London Borough of Redbridge
CLlr Lucia das Neves	Cabinet Member for Health, Social Care and Wellbeing	London Borough of Haringey
CLlr Naheed Asghar	Cabinet Member for Health and Voluntary Sector Partnerships	London Borough of Waltham Forest
CLlr Alev Cazimoglu	Cabinet Member for Health and Social Care	London Borough of Enfield
CLlr Paul Bell	Cabinet Member of Health and Adult Social Care	London Borough of Lewisham
CLlr Evelyn Akoto	Cabinet Member for Health and Wellbeing	London Borough of Southwark
CLlr Chris Kennedy	Cabinet Member for Health, Adult Social Care, Voluntary Sector and Culture	London Borough of Hackney
CLlr Neil Nerva	Cabinet Member for Public Health and Adult Social Care	London Borough of Brent
CLlr Graeme Henderson	Cabinet Member for Adult Care and Health	London Borough of Wandsworth
CLlr Nurullah Turan	Executive Member for Health and Social Care	London Borough of Islington
CLlr Piers Allen	Chair Adult Social Services, Health and Housing Services Cttee	London Borough of Richmond Upon Thames
CLlr Josh Blacker	Cabinet member for Healthy Lives	London Borough of Ealing
CLlr Anna Wright	Cabinet Member for Health, Wellbeing and Adult Social Care	London Borough of Camden
CLlr Maureen Worby	Cabinet Member for Adult Social Care and Health Integration	London Borough of Barking and Dagenham
CLlr Sabah Hamed	Portfolio Holder for Adult Social Care and Public Health	Royal Borough of Kingston Upon Thames
CLlr Denise Scott-McDonald	Cabinet Member for Health & Adult Social Care	Royal Borough of Greenwich