

REPORT TO:		Cabinet	
DATE:		18 March 2026	
PORTFOLIO:		Cllr Melissa Fisher – Deputy Leader of the Council Housing and Regeneration	
REPORT AUTHOR:		Steve Riley, Executive Director (Environment)	
TITLE OF REPORT:		Smoke Free programme services	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. **Purpose of Report**

1.1 To inform Cabinet of the Smoke Free programme services in Hyndburn.

2. **Recommendations**

- 2.1 That Cabinet agrees to waive the Council's Contract Procedure Rules to appoint Hyndburn Leisure to deliver the Smoke Free programme on behalf of the Council for the period September 2025 to 31st March 2026.
- 2.2 That Cabinet agrees to delegate authority to the Executive Director (Environment) to agree all terms relating to a Smoke Free Service Level Agreement with Hyndburn Leisure, in consultation with the Executive Director (Legal & Democratic Services) and Portfolio Holder.

3. **Background**

3.1 Hyndburn Leisure submitted a grant application to Lancashire County Council (LCC) in respect of its Lancashire Local Stop Smoking Services and Support Grant programme (LLSSASG) for £98,000 and the funding was approved by LCC Public Health in August 2025. The project was to be delivered from September 2025 until 31 March 2026 by Hyndburn Leisure, but the funding would be given to the Council.

3.2 Hyndburn Leisure's programme was to deliver services that support the following overarching key project outcomes:

- Build demand for Smokefree Lancashire
- Increase the number of smokers accessing the Smokefree Lancashire service
- Increase the number of smokers setting a quit date
- Increase the number of smokers who are quitting
- Reduce the smoking prevalence in Lancashire
- Improve the respiratory and cardiovascular health of local populations
- Reduce health inequalities for target populations

- Deliver a “Making Every Contact Count” approach to encourage positive behaviour change and outcomes

3.3 Appended to this Cabinet report is a brief interim progress update of the work delivered by HL, with a final report to be presented later in the year.

3.4 This report recommends that the Council waives its Contract Procedure rules and appoints Hyndburn Leisure to deliver the smoke free service from September 2025 to 31 March 2026 for the following reasons:

- Whilst Hyndburn Leisure submitted the grant application to LCC, the funding is paid via a contractual agreement between Hyndburn Council and Lancashire County Council. Whilst this agreement was signed in January 2026, the Trust has been working at risk to deliver the project since September 2025.
- The Council is under a contractual obligation with Lancashire County Council to deliver the smoke free project and will passport this grant funding to Hyndburn Leisure via a service level agreement.
- This service level agreement cannot be signed and the funding released to Hyndburn Leisure unless the Council’s Contract Procedure Rules are waived. Given the relatively late receipt of the funding from LCC there is not time for the Council to run a procurement exercise and ensure delivery of the project by the deadline date.

4. Alternative Options considered and Reasons for Rejection

4.1 Cabinet could decide not to waive the Contract Procedure Rules to appoint Hyndburn Leisure to deliver smoke free service. This is not recommended for the reasons highlighted in paragraph 3.1 and 3.4 in the report.

5. Consultations

5.1 LCC and the Portfolio Holder and Executive Director (Resources) have been consulted.

6. Implications

Financial implications (including any future financial commitments for the Council)	The are no financial implications on the Council as the Council will receive £98,000 from Lancashire County Council and pay Hyndburn Leisure the full amount.
Legal and human rights implications	The cost of the contract is £98,000.00 and the public procurement rules in the Procurement Act 2023 therefore do not apply. Cabinet is able to waive the Council’s Contracts Procedure Rules if satisfied that this is justified and reasonable in all the circumstances. The justification for waiver in this instances is set out in section 3 of this report.

	<p>The Council will enter into a service level agreement (i.e. a contract) with Hyndburn Leisure for the provision of smoke free services, which will pass on LCC's conditions and requirements to Hyndburn Leisure.</p> <p>There are no human rights implications for this report.</p>
Assessment of risk	<p>There is a risk that the outcomes/outputs will not be delivered. This has been reduced as far as possible by the reciprocal agreement between the Council and Hyndburn Leisure passing on all relevant conditions in the agreement between the Hyndburn Council and Lancashire County Council.</p>
<p>Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act 2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who do not; and • foster good relations between those who share a relevant protected characteristic and those who do not. <p>For these purposes, the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p> <p>In this case there are no direct equality or diversity issues arising from this report.</p>

7. **Local Government (Access to Information) Act 1985:**
List of Background Papers

N/A

8. **Freedom of Information**

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.