

# Update upon the implementation of the Smokefree Legislation

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# The Health Act 2006

An Act to make provision for the prohibition of smoking in certain premises, places and vehicles ...”

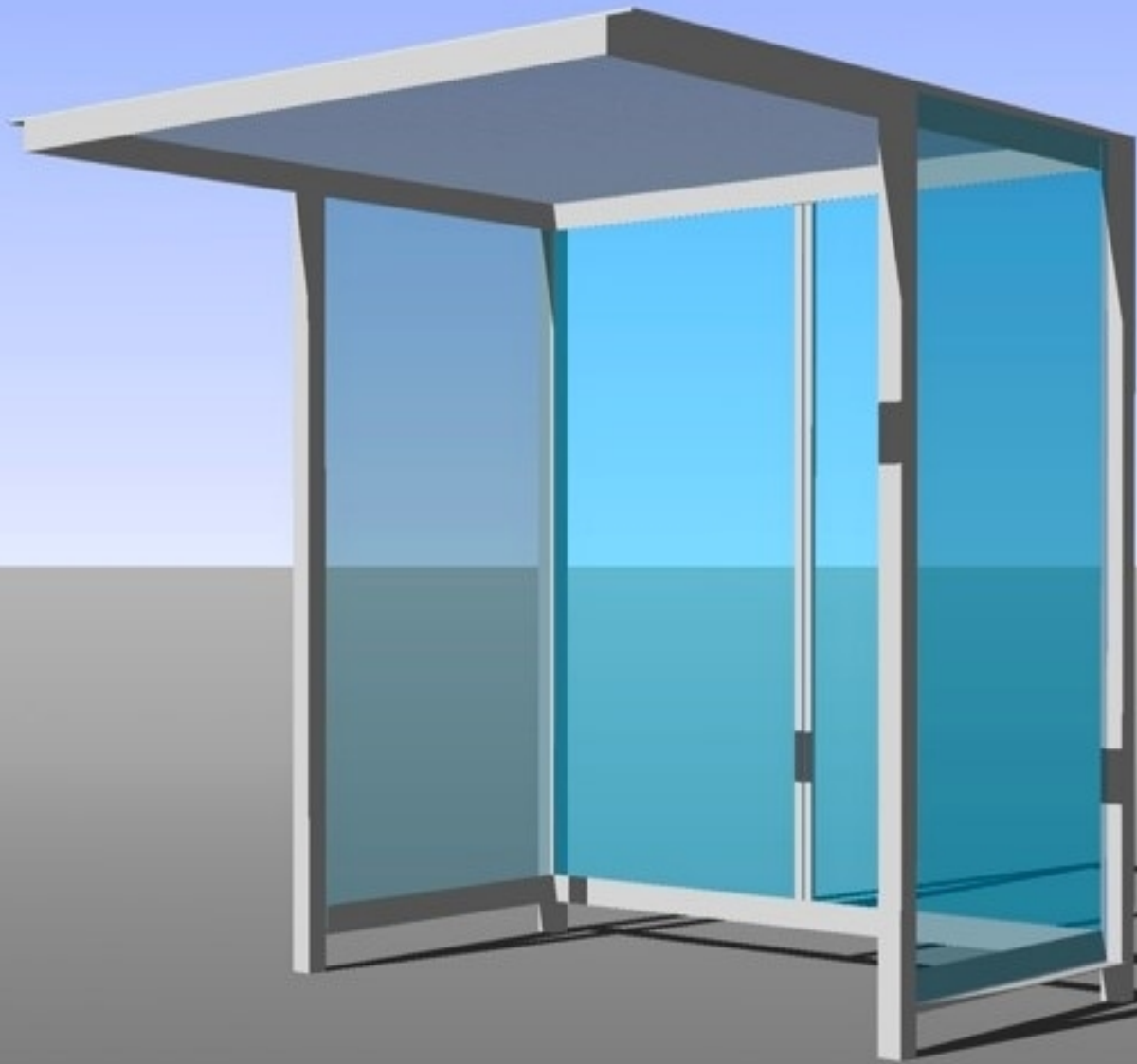
# Smokefree legislation

- Applies to all places of work used by more than one person and places open to the public
- “Work” includes voluntary work
- Premises are “open to members of public” if the public, or section of the public has access whether by invitation or payment, or not
- Work and public vehicles will also be required to be smokefree
- Employers will continue to have a duty of care to protect the health, safety and welfare at work of all employees under the Health and Safety at Work Act 1974

# Requirements apply to:

## **Premises which are enclosed or substantially enclosed**

- Business premises
- Multi-occupied and shared housing
- Public places
- **Vehicles**
- Used as public service vehicles
- Used at any time by more than one person in connection with their business or employment



# Smoke-free (Premises & Enforcement) Regulations

**Enclosed** = roof or ceiling + wholly enclosed by walls (not including doors, windows or passageways).

- **Substantially enclosed** = roof + opening in walls representing 50% or less of total wall area (opening does not include openings that can be opened or shut, such as windows or doors) – *the 50% rule*
- Temporary structures such as tents included
- Roof” includes fixed or movable structures that can cover all or part of the premises as a roof (including canvas awnings)
- “If it can be enclosed, it will be considered enclosed”

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# **Smokefree Offences**

- **Smoking in a smokefree premises.**
- **Failing to prevent smoking in a smokefree place (anyone who controls or manages smokefree premises, and specified people for smokefree vehicles).**
- **Failing to display required no-smoking signs (anyone occupying or managing smokefree premises, and specified people for smokefree vehicles).**
- **Also an offence to obstruct an enforcement officer, or provide a false or misleading statement**



# Smoke-free (Penalties and Discounted Amounts) Regulations

Offence	Fixed Penalty notice ( if paid in 29 days)	Fixed Penalty notice (discounted if paid in 15 days)	Court awarded fine
<b>Smoking in a smokefree place</b>	£50	£30	Up to £200 (level 1 on the standard scale)
<b>Failure to display no-smoking signs</b>	£200	£150	Up to £1000 (level 3 on the standard scale)
<b>Failing to prevent smoking in a smokefree place</b>	N/A	N/A	Up to £2500 (level 4 on the standard scale)



70 mm in diameter

Is the equivalent of A5 in area

**NO SMOKING**

**It is against the law to smoke in these premises**

“in these premises” can be changed to the name or type of premises: “in this gym”, “in this pub” or “in this hotel”

# **Work undertaken - Awareness Campaign**

- **Compiled and distributed several leaflets providing specific information to different businesses such as social clubs, churches, hairdressers.**
- **Seminars and workshops undertaken, visits to commercial premises were made to provide guidance to businesses and the public upon implementation of the legislation.**
- **Promotional work undertaken, e.g. radio adverts and interviews, advertising on buses, banners posted on buildings and in bus stations, carrier bags and beer mats etc.**
- **Articles written for Rotherham Matters and local publications to provide information to customers.**



# Promoting Compliance

- Businesses were provided with the necessary stickers to place at the entrances to their premises.
- Relevant guidance was also given regarding which parts of premises are enclosed and about the construction of shelters.
- Advice given regarding the difference between legal compliance and locally adopted policies e.g. bus shelters, hospital grounds etc.

# Promoting Good Practice

- Visits made to check that no smoking signs were posted in the correct location and that they had used the correct signage.
- Certain premises went smoke free early for example certain pubs, hotels and they were promoted in the seminars and campaigns etc.
- Work was undertaken in partnership with the PCT, Chamber of Commerce, other local authorities etc.



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# Littering

- Initially cigarette litter was found accumulating at entrances to buildings.
- Worked with business operators to provide additional bins and cigarette stub out bins.
- Education of staff and public not to litter and to clean up and appropriate enforcement action taken.



# Smoke infiltration/other issues

- Advice was given regarding the location of non-substantially enclosed structures for example near openable windows/doors
- Addressed problems of smoke emitted from premises
- Advice re construction of such structures such as shelters for smokers
- Light nuisance from shelters



# Fire Safety

- People congregating around fire exits
- Potential for cigarette ends causing fires
- Illicit smoking leading to people in unsafe practices.

# Worked with other agencies e.g. Planning and Building Control

- Smoking shelters
- Awnings, canopies, blinds,
- Pavement and forecourt tables/chairs on public highway or a private forecourt
- Beer gardens not part of the business premises
- Decking
- Stub out bins

# Future Activities

- Assist new businesses operators comply with the law
- Inspection of premises and vehicles regarding compliance with the legislation and provide advice or undertake appropriate enforcement action.
- Continue to signpost support re smoke cessation and provide advice regarding public health issues.