

Smokefree England 1 July 2007 – What it means for the public

A law requiring smokefree environments in virtually all workplaces comes into effect 1 July 2007. It ensures that all workers and members of the public are protected from the harm caused by tobacco smoke.

What workplaces and public places are covered by the legislation?

The new legislation will cover virtually all enclosed and substantially enclosed public places and workplaces, including shops, offices, factories, pubs, restaurants, public transport, and work vehicles used by more than one person. Indoor workplace smoking rooms will disappear so anyone wishing to smoke will have to go outside instead.

What does ‘*substantially enclosed*’ mean?

‘Substantially enclosed’ means a structure has a roof and openings in the walls which represent less than 50% of total wall area (doors and windows are not classed as “openings”). e.g tents, marquees, conservatories and many bus shelters. For more detailed information click onto www.smokefreeengland.co.uk.

What does the legislation mean for employers?

It requires employers to:

- Ensure their premises are smokefree.
- Display ‘No-smoking’ signs in a prominent position at all public entrances. Businesses can register for free signage and guidance at www.smokefreeengland.co.uk.
- Take reasonable steps to ensure that customers and staff are aware that the premises are legally required to be smokefree and that everyone complies with the law.

What about entrances to buildings?

Outside areas are not covered by the legislation. However employers may have a policy that smoking is not permitted within a certain distance from outside entrances so that staff and visitors do not have to walk through a cloud of smoke to get into the building.

What can you expect in the following businesses?

- Hotels, B&Bs, pubs with bedrooms: All public areas, e.g. reception, dining, bar and corridors, will need to be smokefree. The legislation does not require smokefree bedrooms, but if smoking is allowed in a bedroom it needs to be clearly signposted as ‘smoking room’, its ventilation system does not link into smoke-free public areas and have doors fitted with a mechanically closing device to prevent smoke drift.
- Taxis, mini cabs, private hire care: smokefree at all times and display no-smoking signage

- Hair salons: smokefree at all times, including a shop in a person's home, and display no-smoking signage
- Shopping malls: totally smokefree including food outlets with no-smoking signage at the entrance to the mall and at the entrances to shops within the mall
- Work vehicles: smokefree at all time if used by more than one person, even if the person is not in the vehicles at the time and display 'no-smoking' signage.
- Schools: smokefree in enclosed buildings; schools applying for the National Health School Standard are also required to make their entire site includes grounds smokefree.
- Pubs: smokefree in the pub itself; smoking will be permitted in outside smoking shelters which meets the local authority's licensing, planning and highways regulations.

Are there any exemptions?

Private dwellings are not covered by the legislation. Also certain establishments where people live and which are also workplaces eg prison cells, hospices and long-stay residential care homes are exempt. However, this does not mean that smoking is allowed throughout the premises. Bedrooms in which smoking is allowed must meet the following conditions:

- are completely enclosed, except for windows / doors, on all sides by solid floor to ceiling walls
- do not have a ventilation system that ventilates into any other smokefree part of the premises
- if a door opens onto a smokefree landing, the door needs to be fitted with a mechanical closing device to prevent smoke drift.
- Is clearly marked as a room in which smoking is permitted.

If the policy does not allow smoking in bedrooms, then employers can identify a designated smoking room but it must meet the conditions described above. It also will be up to the management to decide if visitors can smoke in smoking rooms. The smoking rooms are not to be used by staff. There is no obligation for employers of exempt places to have 'smoking rooms' if they do not wish to.

What are the penalties for non-compliance?

For those who have management responsibilities:

- Failure to display minimum no smoking signs: up to £1000 or £200 fixed penalty notice
- Failing to prevent smoking in a smokefree place: up to £2500.

For individuals

- Smoking in a no-smoking place: up to £200 or a penalty notice of £50

Do employers have to provide smoking breaks or outside smoking areas?

No on both counts. By law, employers must give staff an uninterrupted rest break of 20 minutes when their daily working time is more than six hours. Staff can, of course, smoke during their rest period, if they choose, but they must not smoke in an enclosed or partially enclosed area. As an employer you might like to decide where smoking is allowed elsewhere on your premises eg in open car parks, grounds, or shelters.

Is there help for staff to stop smoking?

The NHS offers a wide range of excellent, free and easily accessible support for smokers including local Stop Smoking Services, the Together Programme, the NHS Smoking Helpline on 0800 169 0169 and nicotine replacement therapy (NRT) on prescription. Information about your local NHS Stop Smoking Services found at www.smokefrehampshire.co.uk

Where can I find out more information about going smokefree?

Either log onto www.smokefreeengland.co.uk or phone the Smokefree England Information Line 0800 169 1697 For local advice and information, visit www.smokefreehampshire.co.uk.