

Smokefree England 1 July 2007 – What it means for hotels / B&Bs

A law requiring smokefree environments in workplaces, including hotels and B&Bs, comes into effect 1 July 2007. The legislation ensures that workers, including those in hotels, are protected from the risks to health from tobacco smoke and are guaranteed their right to work in a smokefree environment. The final regulations have yet to be approved by Parliament and so this guidance may change.

What accommodation is covered by the legislation?

The legislation covers all places providing accommodation. Designated smoking areas in the public areas of enclosed places and in structures which are 'substantially enclosed' will not be allowed. This means that all public areas, eg reception, dining, drinking and waiting areas will be legally required to be smokefree.

What do 'enclosed' and '*substantially enclosed*' mean?

Enclosed: the premises has a ceiling or roof and is wholly enclosed, whether on a permanent or temporary basis, eg tents, marquees, conservatories.

Substantially enclosed: the structure has a ceiling or roof and there are openings in the walls which are less than half the perimeter of the walls (doors and windows are not classed as "openings"). This is called the '50% rule'. For more detailed information click onto www.smokefreeengland.co.uk.

Must hotels have only smokefree bedrooms?

The smokefree legislation allows hotels to designate *bedrooms* where smoking is allowed for guests who are staying there, but **all** other parts of the hotel must be smokefree. However, with 75% of the population being non-smokers, the demand for smokefree rooms will be high.

What will the legislation mean in practice?

It requires a hotel manager/owner to:

- Ensure all enclosed and substantially enclosed premises and work vehicles used by more than one person are smokefree
- Display 'No-smoking' signage at the public entrances and in work vehicles. Signage will be available free by registering at www.smokefreeengland.co.uk.
- Ensure bedrooms that are not smokefree are clearly signposted as 'smoking rooms', that their ventilation systems do not link into the smoke-free areas and they have doors which closes mechanically to prevent smoke drift.
- Keep a list of rooms designated for smoking for inspection if requested by an enforcement officer.
- Take reasonable steps to ensure that staff and customers are aware that the premises is legally required to be smokefree and that they comply with the law.

What about outdoor smoking areas for restaurants / pubs within the hotel / B&B?

Here are a number of issues to consider in order to designate an outdoor drinking area for smoking:

- See if your alcohol licence extends to outside areas. If not, you will need to apply to the local council.
- If the outdoor area is licensed, check the permitted hours. If the outdoor area has an earlier closing time than the bar, customers cannot take their drink with them after the permitted time when going out for a cigarette.
- Drinking outside will may generate noise, litter and light pollution, which might result in neighbours raising objections to the council.
- If you want to erect a structure where people can smoke and drink, such as a portico, awning or covered terrace with floodlighting, you will need planning permission from the local council.

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

No on both counts. By law, employers must give staff age 18 and over an uninterrupted rest break of 20 minutes when their daily working time is more than six hours; staff under 18 – a half hour break every four and a half hours. Staff can, of course, smoke during their rest period, if they choose, but they must not smoke in an enclosed or substantially enclosed area. As an employer you must decide whether or not to permit smoking elsewhere on your premises eg in open car parks, grounds, or shelters and you should indicate where smoking is allowed in your smoking policy.

My home is in the hotel / B&B. Does it have to be smokefree too?

No. The legislation does not cover private residential space. However any room of your home used as a workplace in which someone not living in the house comes into work or visit on work-related business will need to be smokefree and display 'no-smoking' signage.

What are the penalties for non-compliance?

The employer/ owner is liable to the following for non-compliance:

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

Individuals found smoking in a smokefree area is liable to a £200 or a penalty notice of £50.

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. For information on local NHS Stop Smoking Services visit www.smokefreehampshire.co.uk

Can I get help to go smokefree?

Yes - log onto www.smokefreeengland.co.uk or phone the **Smokefree England Information Line 0800 169 1697** and register for the latest updates and FREE resources. For local advice and information, visit www.smokefreehampshire.co.uk