

Smokefree England 1 July 2007 - what it means for social clubs

A law requiring smokefree environments in workplaces in England - including social clubs - comes into effect 1 July 2007. The legislation ensures that workers and members of the public are protected from the risks to health from tobacco smoke and are guaranteed their right to a smokefree environment. Regulations have yet to be cleared by Parliament, until then this guidance is subject to change.

What social clubs are covered by the legislation?

The legislation covers all working men's clubs and includes private members clubs, social and sports clubs. Designated smoking areas in enclosed areas and in structures which are 'substantially enclosed' will be illegal.

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 and marquees.

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.

What will the legislation mean in practice?

It requires the person responsible for the management of the club to:

- Ensure all enclosed and substantially enclosed premises are smokefree
- Display 'No-smoking' signage at the public entrances of the club. Signage will be available free by registering at www.smokefreeengland.co.uk.
- Take reasonable steps to ensure that staff and members are aware that the premises is legally required to be smokefree and that everyone abides by the law.

What about accommodation?

Member's clubs which provide overnight accommodation may designate *bedrooms* where smoking is allowed for guests or members who are staying there, but all other parts of the premises must be smokefree. Designated rooms must be signposted as 'smoking rooms', their ventilation systems should not link into the smokefree areas and doors should be closed mechanically.

What about outdoor smoking areas?

The legislation does not cover outdoor spaces. However the members may consider making it a policy not to smoke a certain distance from entrances so that people do not have to walk through a cloud of smoke to get into the club.

What about drinking and smoking outside?

If you are considering making an outdoor area for smoking where members can take their drinks, here are some of the issues to consider:

- 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 generate noise and litter and may also cause 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 an uninterrupted rest break of 20 minutes when their daily working time is more than six hours. (For staff under 18 this is one half hour break after 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.

What are the penalties for non-compliance?

Responsibility lies with the person responsible for managing the club:

- 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.

Responsibility lies with the individual smoking in a smokefree place:

- Smoking in a no-smoking place: up to £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. Information about your local NHS Stop Smoking Service is at www.smokefreehampshire.co.uk

Can I get help to make my club 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