

Smokefree England 1 July 2007 – What it means for taxi / mini cabs (draft)

A law requiring smokefree environments in all workplaces, including vehicles used for public transport, comes into effect 1 July 2007. The legislation ensures that:

- All workers are protected from the risks to health from tobacco smoke and are guaranteed their right to work in a smokefree environment.
- All members of the public will have access to public transport that is smoke-free, regardless of when or where they use it in England.

(Regulations have not yet been cleared by Parliament and therefore the guidance is subject to final parliamentary clearance)

Are taxis/mini cabs covered by the legislation?

The legislation covers all taxi and mini cabs. Any commercial vehicle carrying members of the public will be required to be smokefree at all times.

What will the legislation mean in practice?

It requires a manager to:

- Ensure all commercial vehicles used to transport members of the public are smokefree
- Display 'no-smoking' signs in a prominent position in all vehicles. The sign should include the international red 'no smoking' symbol. Signage will be available free from the Department of Health. Register for free signage and guidance at www.smokefreeengland.co.uk. If vehicles are already displaying 'no smoking' signs, they will not need to replace them with new ones.
- Take reasonable steps to ensure that employees and customers are aware that vehicles used for public transport are legally required to be smokefree.

Can a taxi /mini cab driver smoke in their vehicles if they don't have any passengers?

No. The legislation requires all vehicles used for public transport to be smokefree at all times. This is because tobacco smoke is absorbed into soft furnishings and stays around for weeks after a cigarette is stubbed out, releasing particles hazardous to health.

Can drivers smoke in their own private vehicle?

Yes, the regulations do not extend to vehicles, including rental or leased vehicles, used solely for private purposes and which is not used for public transport.

Does the office need to be smokefree?

Yes if it is used as a workplace by more than one person or if members of the public and employees who in the course of their work visit the premises. The office will be covered by the legislation. This means that employers will need to:

- ensure that the office premises are smokefree at all times
- display the mandatory A5 'no smoking' signage at least at one entrance to the premises. All other entrances need only carry a sign similar to that for vehicles used for public transport, e.g. carrying the international red 'No smoking' sign. See guidance on signage at www.smokefreeengland.co.uk.
- Take reasonable steps to ensure that staff and customers visiting the office are aware that the premises are legally required to be smokefree.

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 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?

- Failure to display minimum no smoking signs: up to £1000 or £200 fixed penalty notice
- Smoking in a no-smoking place: up to £200 or a penalty notice of £50
- Failing to prevent smoking in a smokefree place: up to £2500.

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, www.givingupsmoking.co.uk and nicotine replacement therapy (NRT) on prescription. Information about your local NHS Stop Smoking Services is at www.smokefreehampshire.co.uk

Is there help to make my company 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 advice available locally, visit www.smokefreehampshire.co.uk.