

Smokefree Legislation

Since 1 July 2007 it has been against the law to smoke in virtually all enclosed public places, workplaces and public and work vehicles. The law was introduced to protect employees and the public from the harmful effects of second hand smoke. Smoking is now prohibited in all enclosed or substantially enclosed public places and workplaces by making it an offence to:

- Smoke in smokefree premises;
- Permit others to smoke in smokefree premises;
- Fail to display warning notices in smokefree premises.

Which premises are affected?

Smokefree legislation affects all premises which:

- Are open to the public
- Are used as a place of work, by more than one person (even if at different times)
- Where the public might go to seek or receive goods or services

Remember even if your premises are smokefree you will still need to display appropriate signage.

What signs are needed?

The legislation requires all smokefree premises to display a 'No Smoking' sign in a prominent position at each entrance. This needs to be:

- At least of A5 size,
- Include the international "No Smoking" symbol, which is a burning cigarette enclosed in a red circle of at least 70mm in diameter with a red bar across it
- And carry the words: "*No smoking. It is against the law to smoke in these premises.*"

Staff only entrances are required to have at least the 'No Smoking' symbol, providing a full A5 'No Smoking' sign is present on one of the entrances to the building.

Smoking shelters and the 50% rule

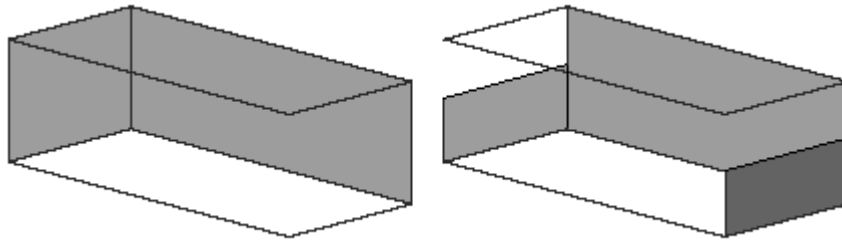
The basic rules for an area in which people can smoke are that:

- If an area has a roof and more than 50% of the perimeter made up of walls, windows, doors etc it must be smokefree by law.
- Any kind of roof or cover, including awnings and in some areas possibly umbrellas, counts as a roof whether or not the awning or cover is actually in use.
- Windows, doors and things that could be used as walls or covers count as walls, whether or not they are in use.
- In Scotland, some more creative licensees have built their sheltered area about one or two metres away from the side of a building. This provides much

of the protection from the wind and the rain without 'counting' as part of the 50% rule.

Employers who wish to erect smoking shelters will need to ensure they comply with planning permission, contact details for the planning department can be found below.

Here are some ideas of how the '50% rule' could be applied in practice.



Are there any exemptions?

Certain establishments where people live and which are also workplaces e.g. prison cells, hospices, hostels, care homes and hotels will be exempt. Employers will have to identify 'designated smoking rooms' which meet certain specifications. There is no obligation for employers of exempt places to have 'smoking rooms' if they do not wish to do so.

What about entrances to buildings?

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

What are the penalties for non-compliance?

- Smoking in a no-smoking place: £50 fixed penalty notice
- Failure to display minimum no-smoking signs: £200 fixed penalty notice
- Failing to prevent smoking in a smokefree place: a fine up to £2,500

Useful contacts

The Department of Health is currently in the process of sending out free signs, stickers and further information to all businesses in the UK.

To obtain further free signs, stickers and information packs contact Smokefree England on **0800 169 1697** or visit **www.smokefreeengland.co.uk**

Birmingham City Council Planning Department:

0121 303 1115

Environmental Health: 0121 303 6007

Alternatively email us at: publichealth@birmingham.gov.uk
Or visit: www.birmingham.gov.uk/smokefree