

GO SMOKEFREE!

SMOKEFREE REGULATIONS **GUIDANCE ON HOW TO COMPLY**

SMOKEFREE LEGISLATION IS COMING IN FROM 1 JULY 2007 VIRTUALLY ALL ENCLOSED PUBLIC PLACES AND WORKPLACES IN ENGLAND WILL BECOME SMOKEFREE.

A smokefree England will ensure a healthier environment, so everyone can socialise, relax, travel, shop and work free from secondhand smoke. The purpose of the regulations and guidance on complying with them are outlined in this leaflet. Copies of the regulations can be downloaded from www.smokefreeengland.co.uk

Your business or organisation will need to take steps to make sure that employees, customers, members and visitors obey the new law. Authorised council officers will enforce the law and offer businesses support.



WHICH PREMISES ARE AFFECTED?

From 1 July 2007, smoking is not allowed in premises that are enclosed or substantially enclosed, that are open to the public, used as a workplace by more than one person or where members of the public might go for goods or services.

Enclosed premises have a ceiling or roof and, except for doors, windows or passageways, are wholly enclosed.

Substantially enclosed premises have a ceiling or roof, but there are permanent openings in the walls which are less than half of the total areas of walls, including other structures which serve the purpose of walls and constitute the perimeter of premises. When determining the area of an opening, no account can be taken of openings such as doors, windows or other fittings that can be open or shut. This is known as the 50% rule.

A roof includes any fixed or movable structures, such as canvas awnings. Tents and marquees are classed as enclosed premises if they fall within the definition.

Vehicles used for business purposes will also be affected. These include light and heavy goods vehicles, and public transport such as taxis and trains.

Smoking will not be allowed in premises that are enclosed or substantially enclosed and are open to the public...

...such as pubs, bars, clubs, restaurants, shops, offices, theatres, hotels, libraries, taxis, sports/leisure centres and transport.

HOW TO COMPLY WITH THE NEW LAW

From 6am on 1 July 2007, every business and organisation in England to which this law applies will need to take all 'reasonable measures' to ensure that employees, customers and other visitors don't smoke on their premises.

We recommend that you take the following minimum action:

- Display the required no-smoking signs (see page 5) to make staff, customers and visitors aware that they must comply with the new smoking law.
- Remove all ashtrays.
- Develop and implement a smoke-free policy with staff to make sure that infringements by employees, customers, members etc are dealt with under agreed procedures (see page 10).
- Tell anyone smoking that they are committing an offence (see page 9).
- Ask that they extinguish their smoking material immediately or leave.
- Refuse service to individuals who are smoking against the law (if your business provides a service for customers or members).



NO-SMOKING SIGNS

From 1 July 2007, the occupier or manager has a legal duty to display no-smoking signs that meet requirements set out in the regulations. It will be against the law not to display required no-smoking signs.

All smokefree premises must display a no-smoking sign in a prominent position at each entrance that is:

- A5 sized, displays the international no-smoking symbol in colour, a minimum of 70mm in diameter and carries the words in characters that can be easily read: 'No smoking. It is against the law to smoke in these premises.'

On the sign, the words 'these premises' may be changed to refer to the premises where the sign is displayed, for example 'this hotel' or 'this restaurant.'

A no-smoking sign that displays the international no-smoking symbol in colour, a minimum of 70mm in diameter is the minimum requirement at entrances which:

- Are for staff only (on the basis that the premises displays at least one A5 sized sign with words, as set out above), or
- Are located within other smokefree premises (for example, a shop within an indoor shopping centre).



HELP & ADVICE

You will have to prohibit smoking inside your premises and put the right no-smoking signs up at all entrances. Staff and customers will have to go outside if they wish to smoke. Your staff may wish to have support in giving up smoking and there are some public nuisance issues to consider too.

- If you are a restaurant, bar or public house, you may be thinking of providing tables and chairs or a set area outside your premises in the street for your customers to smoke. You may need a licence to do this. **Advice available** – The council's Streetcare Team can advise you on getting a licence, any space constraints and costs. They can also advise you on avoiding additional street litter from discarded cigarettes, packets etc., call 020 7926 9000.

- If you are significantly increasing the facilities for customers to eat, drink and smoke outside your premises, this may have an impact on your premises licence. **Advice available** – The council's Licensing Team can advise, call 020 7926 6108.
- If your customers go into the street to smoke, do be aware that there may be problems with noise nuisance from this. **Advice available** – The council's Noise and Pollution Team can advise on avoiding noise nuisance, call 020 7926 6111.
- If you put up smoking shelters for your staff or customers they must comply with the 50% rule on the amount of wall between the roof or canopy. As these are new facilities you should check to see if planning permission is needed. **Advice available** – The council's Planning Department can advise whether you need planning permission and what you need to do if you do, call 020 7926 1180.



SECONDHAND SMOKE CONTAINS ARSENIC WHICH IS EFFECTIVELY RAT POISON AND CARBON MONOXIDE WHICH IS A TOXIC GAS FOUND IN CAR EXHAUST FUMES.



INFORMATION

SUPPORT

HELP

ADVICE

- You can get the no-smoking signs you need free of charge by registering online at www.smokefreeengland.co.uk, by calling the Smokefree England Information Line on 0800 169 1697, by emailing smokefree@lambeth.gov.uk or by calling the council's Smokefree Team on 020 7926 6109.
- You and your staff may want support to give up smoking. **Advice available** – The NHS Smoking Helpline has specialist advisers to help you quit, lines are open 7am to 11pm, call 0800 169 0169, visit www.gosmokefree.co.uk or text 'SMOKEFREE' and your full postcode to 88088 to find your local service.

If you would like someone to visit your premises and go through the Smokefree laws and what you need to do either email the council's Smokefree Team at smokefree@lambeth.gov.uk or call 020 7926 6109.

EXEMPTIONS FROM SMOKEFREE LEGISLATION

There are some exemptions from having to be completely smokefree.

- **Private dwellings** These do not have to be smokefree, unless they are used for some work purposes. The exact details of these are on www.lambeth.gov.uk/smokefree.
- **Accommodation for guests and members** Designated bedrooms in hotels, guest houses, inns, hostels and members' clubs do not need to be smokefree if they meet certain conditions. Details of these can be found at www.lambeth.gov.uk/smokefree. Dormitory rooms, or other similar rooms for accommodation for persons to share at the same time, must always be smokefree.

- **Other residential accommodation** There are certain exemptions for designated areas within care homes, hospices, residential mental health units and prisons. Full details of these are on www.lambeth.gov.uk/smokefree.
- **Performers** Where the artistic integrity of a performance makes it appropriate for a person who is taking part in that performance to smoke, the regulations allow for parts of premises in which a person performs to be not smokefree in relation to that person only during the time of the performance.



“SINCE GOING SMOKEFREE, WE’VE GONE FROM SELLING FOUR TO EIGHT MEALS A NIGHT UP TO 90 MEALS A NIGHT. SALES HAVE ROCKETED AND IT’S A CLEANER AND NICER PLACE TO BE. I’D RECOMMEND THE CHANGE TO ANYONE.” Terry Shears, owner, The Gate Inn, Ratcliffe Culey.

WHAT TO DO IF SOMEONE IGNORES THE SMOKING BAN

We're confident that the majority of people will respect the new law on smoking. However, it's important that you know what to do if someone does continue to smoke:

- Draw their attention to the 'No-Smoking' signs and remind them that they're committing an offence. Politely ask them to stop smoking.
- Advise them that it's also an offence for you (as owner, manager etc) to let anyone smoke.
- Explain to them that the business has a smokefree policy to ensure a safe working environment for all staff and customers.

If the person smoking is an employee:

- If your warning has been ignored, immediately ask them to leave the premises (and, where relevant, inform them where they can smoke).
- If the person refuses, implement your normal disciplinary procedure for antisocial/illegal behaviour in the workplace.
- Maintain a record of all such incidents and outcomes.

If the person smoking is a customer:

- Explain that staff are obliged to refuse service if they continue to smoke.
- If the customer carries on smoking, ask them to leave the premises (and, where relevant, inform them where they can smoke).
- If they refuse, implement the normal procedure for anti-social/illegal behaviour in the premises.
- Maintain a record of all such incidents and outcomes.

In all cases where physical violence or intimidation is threatened or encountered, seek the assistance of the police. You may find that a written policy for your business will help in informing your employees and setting out guidelines for how to deal with people who do not respect the new smoking law – more detail on Smokefree Policies is on page 10.

SMOKEFREE POLICY

It is strongly recommended that you develop and implement a written smokefree policy to communicate the new law and all of its implication.

This policy should:

- Be concise and simple to understand.
- Identify members of management and staff who have responsibility for its implementation.
- State the procedures to be followed in the event of non-compliance.
- Acknowledge the right of employees to work in a smokefree environment.
- Provide information on how to obtain help to quit smoking.
- Be communicated to all staff – and in particular to new and part-time staff before they commence employment.

If the policy is broken, disciplinary action should be taken. This ought to be similar to the procedures used for violation of other health and safety matters. Employees should be given 12 weeks notice of any change in working conditions.

To give you an idea of what should be in the policy you can download a template from www.smokefreeengland.co.uk/files/smokefree_policy2.pdf

There is a more comprehensive template to download at www.smokefreeengland.co.uk/files/smokefree_policy_workplace1.pdf. Both of these are also available for download from the council's website at www.lambeth.gov.uk/smokefree or you can email us at smokefree@lambeth.gov.uk or call our Smokefree Team on 0207 926 6109 and we'll send you both in the post.



BEING EXPOSED TO SECONDHAND SMOKE CAN INCREASE A NON-SMOKER'S RISK OF GETTING LUNG CANCER BY 24% AND THE RISK OF GETTING HEART DISEASE BY 25%.

PENALTIES & FINES

There are 3 offences that can be committed under this legislation:

- **Smoking in smokefree premises or smokefree vehicles**
A person can be given a fixed penalty notice for £50, discounted to £30 if paid within 15 days of issue, or prosecuted with a possible fine of up to £200.
- **Failure to display the no-smoking signs**
The person in charge of the premises or vehicle can be given a fixed penalty notice for £200, discounted to £150 if paid within 15 days of issue, or prosecuted with a possible fine of up to £1000.
- **Failing to prevent smoking in a smokefree place**
The person in charge can be prosecuted and fined up to £2500.



ASTHMA UK REPORTS THAT SECONDHAND SMOKE IS THE SECOND MOST COMMON ASTHMA TRIGGER IN THE WORKPLACE.

£50
FINE

£200
FINE

£1000
FINE

£2500
FINE

FURTHER INFORMATION

Online at:

www.smokefreeengland.co.uk
www.lambeth.gov.uk/smokefree

By phone:

Smokefree England Information Line 0800 169 1697
Lambeth Council Smokefree Team 020 7926 6109

By email:

**Email any queries or requests for information
and signs to smokefree@lambeth.gov.uk**

Lambeth Council places great value on the role the business community plays in the success of the borough. We are committed to developing an Enterprising Lambeth and addressing your needs whether you are already set up in business or aspire to be. To receive free or subsidised support and guidance in setting up or growing your business, or for more information on council services for businesses visit www.lambeth.gov.uk/business or email enterprise@lambeth.gov.uk

**GO
SMOKE-
FREE!**



**IT'S GOOD
FOR YOUR
CUSTOMERS**



**IT'S GOOD
FOR YOUR
HEALTH**



**IT'S GOOD
FOR BUSINESS**

Portuguese

Se desejar esta informação noutro idioma
é favor telefonar para 020 7926 6109

Bengali

এই তথ্য অন্য কোনো ভাষায় আপনার প্রয়োজন
হলে অনুগ্রহ করে ফোন করুন 020 7926 6109

Twi

Se wope saa nkaeboy yi wo kasa fofo
mu a fre 020 7926 6109

Yoruba

Tí ẹ ba ẹ imoràn yíí, ní èdè Òmíràn, ẹjò,
ẹ kàn wà l'ágogo 020 7926 6109

**If you would like this
information in large
print, Braille, audio tape
or another language,
please contact us on
020 7926 6109**

**Or write to us at
2 Herne Hill Road,
London SE24 0AU**