



SMOKE FREE LEGISLATION

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South Ayrshire
Environmental Health

A Scottish Success Story

South Ayrshire

- Birth place of the poet Robert (Rabbie) Burns
- Main businesses –light industry, tourism, agriculture
- International Airport – Prestwick (Glasgow)
- Sea ports at Ayr and Troon
- Open golf venues at Royal Troon and Turnberry
- Scotland's premier racecourse at Ayr
- Major National Trust Property – Culzean Castle
- Resident Population -112,000



Smoke-free and proud

Celebrating the laws that Scotland's smoke-free public places will soon have

www.scotland.gov.uk/indicators



“Local Environmental Health Officers (EHOs) will work with businesses to support and assist them to comply with the legislation. They will also enforce the new law and have powers to allocate fixed penalty fines to employers and members of the public who breach the legislation.”

Andy Kerr MSP
Health Minister



Support and Assistance

- Scottish Exec. - National publicity
- Local publicity - Business seminars with NHS Trust (Fresh Airshire)
Local newspaper & radio
Use of Licensing Forum to target licensed premises & taxi operators
Customised publicity material e.g. pens, stubbis

Premises Visits (Pre-ban)

- All requests
- In few weeks prior to ban targeted visits were made to as many high risk premises as possible i.e. pubs, clubs, bingo halls
- All ethnic premises were visited or contacted to distribute information in their own language

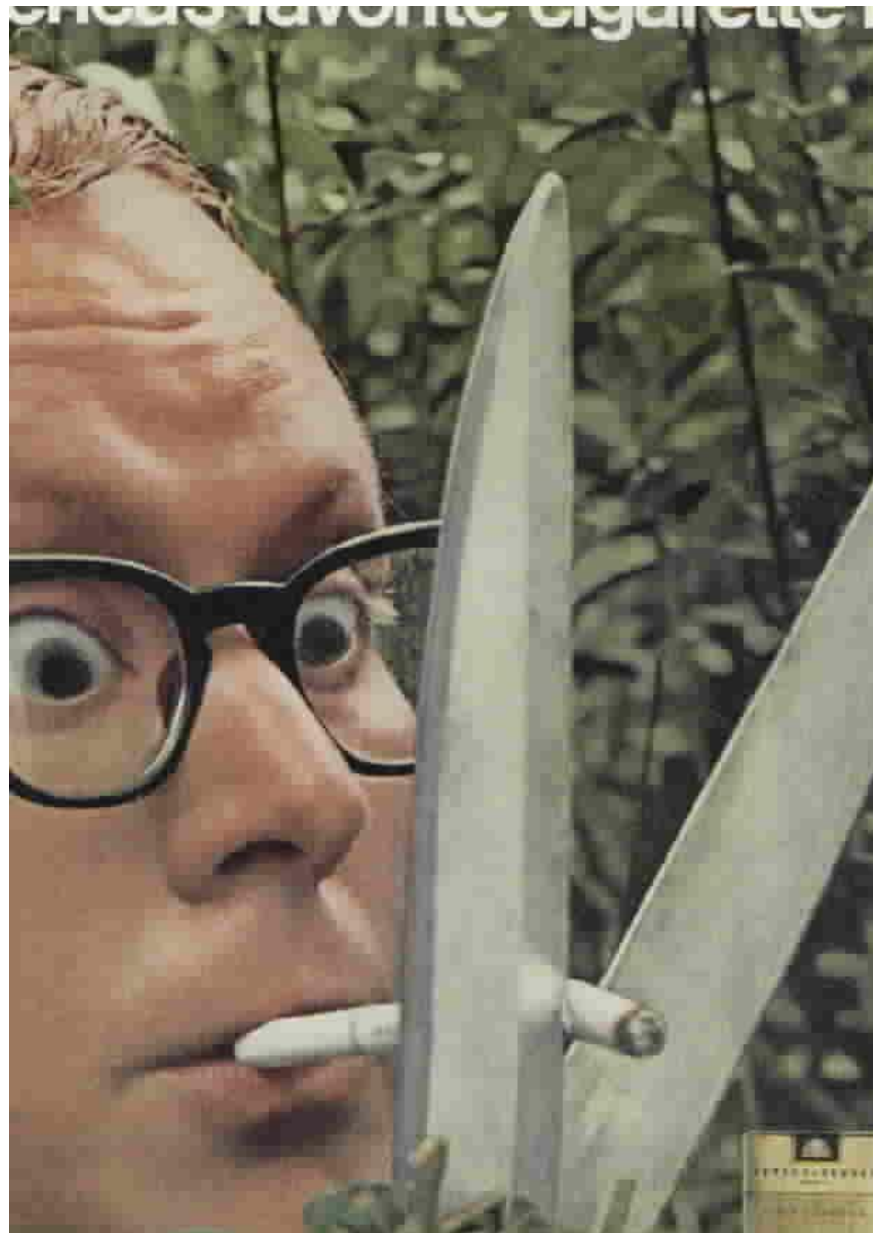
Useful Web-sites with FAQs

- www.clearingtheairscotland.com
- [www.south-ayrshire.gov.uk/
environmentalhealth/smokefree.asp](http://www.south-ayrshire.gov.uk/environmentalhealth/smokefree.asp)

Support your own Authority

- Contact All Services
- Signage requirements
- Smoking Policy
- Care homes
- Sheltered Housing
- Publicity





ENFORCEMENT

Enforcement – The Offences and Fines

- Person in control allows smoking
 - £200 Fixed Penalty Notice (Court £2500)
- Person in control failing to display signage
 - £200 (£1000)
- Smoking in no-smoking premises
 - £50 (£1000)
- Failure to supply information
 - Prosecution only (£1000)

Enforcement Considerations

- Expectation by Crown Office that prosecutions would be very rare
- Fixed Penalty Notices (FPN) to be used and Sheriff Officers to recover fines if default (decree arbitral)
- Concern for health and safety of enforcement officers, police supportive of legislation but could not guarantee resources
- Potential for use of covert surveillance as FPN did not have to be issued at time of offence

Enforcement strategy

- In South Ayrshire onus for compliance lies with 'person in control of premises'
- If smoking is allowed in premises then likely outcome FPN (£200) against person in control rather than issue FPN (£50) to individual(s)
- Businesses were made fully aware before the smoking ban of their responsibilities

Why person in control of premises?

- Advice and support available from Env. Health
- Use of formal warning before FPN
- FPN can be appealed at Council Hearing
- "Due diligence" defence allowed
- Staff smoking could be dealt with by internal disciplinary procedures
- Smoking considered as anti-social behaviour therefore premises should already have procedures.

Smoking Enforcement Officers

- 2 full-time Smoking Enforcement Officers who can operate out-of-hours, funded by Scottish Exec. until April 2008
- Duties - advice and support to businesses
 - investigation of complaints
 - compliance visits (keep up visibility)
- Other Officers check compliance (signage) and offer advice during other visits e.g. food, health & safety



YOU MAY TAKE OUR ASHTRAYS
BUT YOU'LL NEVER TAKE
OUR EMBASSY REGALS!

I THINK WE NEED
SOME BACK-UP.

NAE
SMOKING

GET
DRIPPY

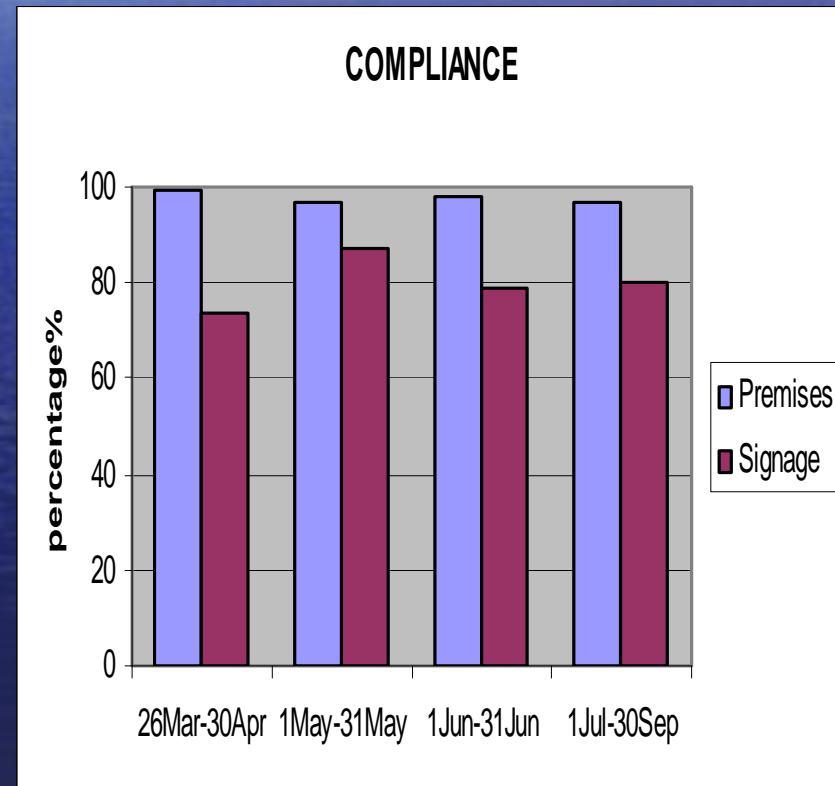


MENU
PLEASE DO NOT
USE FOR
ARROGANT
SMOKIES
AS
RETURN OF FAVOR

National Compliance Level

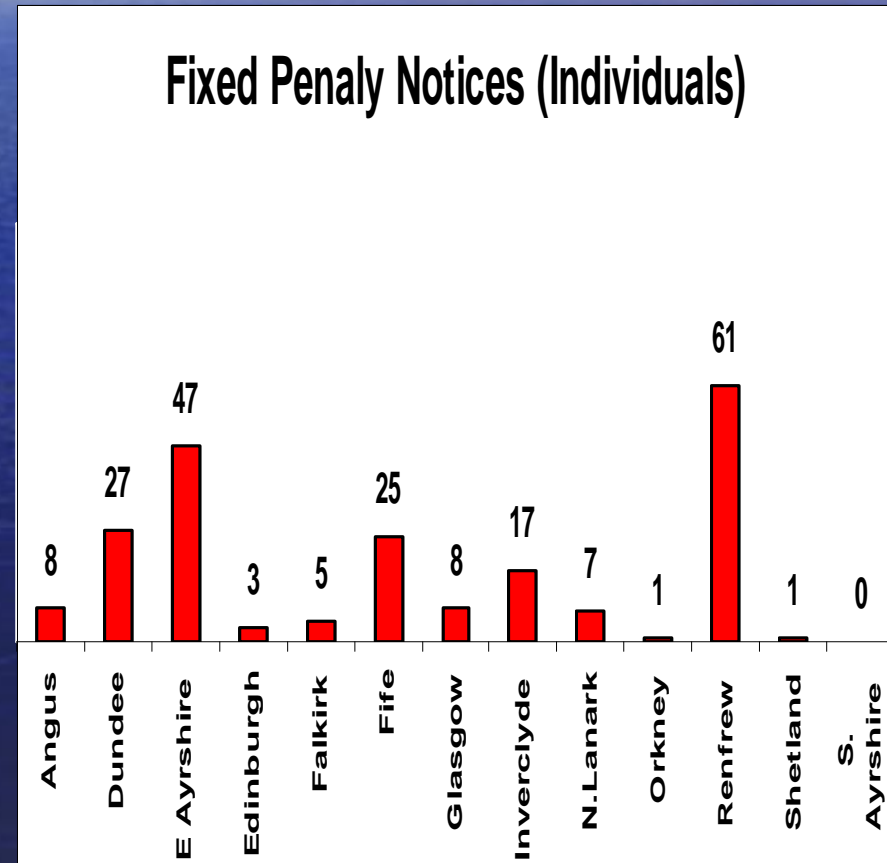
- From 26 March – 30 September 06
- Premises - 98%
- Signage - 80%

THE BAN WORKS!!!



Use Of Fixed Penalty Notices

- From 26 March – 30 September 06.
- 11 FPNs have been issued to businesses.
- 210 FPNs have been issued to individuals (mainly taxi & van drivers)
- In reporting period South Ayrshire have issued no FPNs or Formal warnings

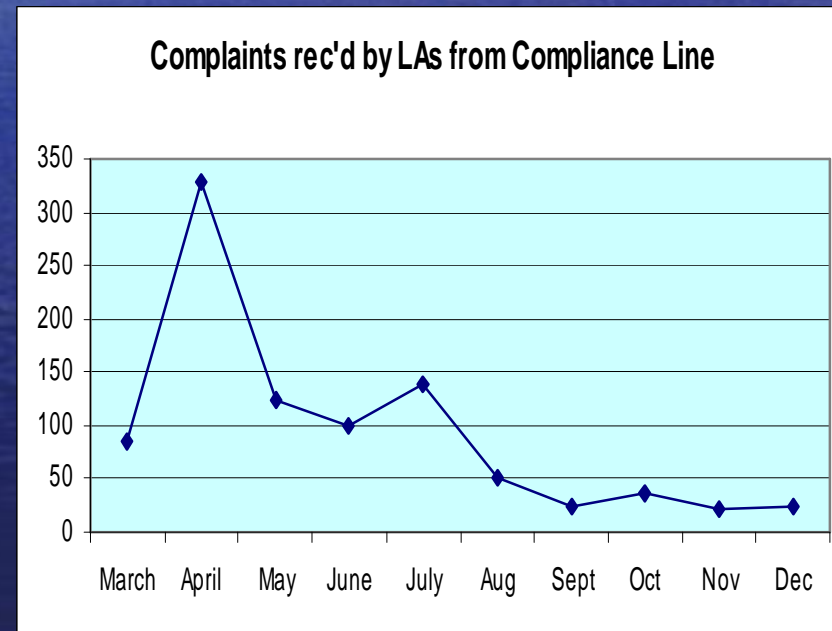


Taking it to the Streets



National Compliance Line

- Initially calls averaged 100 per week
- Now calls average 5 per week
- Complaints direct to South Ayrshire have followed similar trend



Complaints to South Ayrshire

- Accusations of smoking in premises & vehicles (6)
- People smoking in doorways (3)
- Non-compliant smoking structures (3)
- Increased noise from beer gardens (2)
- Extension of smoking ban to areas not covered by legislation e.g. courtyards , uncovered malls (2)
- Tobacco smoke entering residence (2)
- Signage (1)
- Litter (1)
- Outside tables all taken by smokers!!! (1)

Smoking in doors or smoke entering properties



- People 'migrate' away from premises into doorways of other premises
- Complaints of smoke entering properties has not been proven

Signage



More than
Compliant



Non-Compliant

Litter



Noticeable increase in litter



Stub-out bins help if used

Smoking Structures

Prestwick Airport



Painted lines

Belhaven (Greene King) Pub



Wood structure can contain heating, lighting, plasma tv

Smoking Structures

Belhaven Pub



Wood structure

Wetherspoons



Umbrella type canopies

South Ayrshire Principle



- Our principle on structure shown. The building is less than 1.5 metres away. So the perimeter includes the building wall. Solid surface areas are therefore more than 50% of the perimeter area. So structure B in that position does not comply - so no smoking!

Smoking structures with sloping roofs



Sloped roof means that rear and front do not have same planar area

Slatted Structures



- Insist on measurements
- Make them prove by calculation that structure is not “substantially enclosed”
- You may be surprised by some structures such as golf ranges, sporting stands which are more open at the front



And finally....to Rabbbie Burns



*"The luntin pipe, an sneeshin mill,
Are handed round wi' right guid will;"*

The Twa Dugs

Translates as:

The smoking pipe and snuff box are handed
round with right good will

The Two Dogs

NOT ANYMORE RABBIE!!