

"The Smoke-free Regulations"

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7 March 2007

"The Smoke-free Regulations"

Made under the Health Act 2006

Four sets of regulations will cover various aspects of smoking restriction

Come into force on 1st July 2007

The Smoke-free (Premises and Enforcement) Regulations 2006

- n Specify which authorities will be the enforcers

Environmental Health in Bradford will be the enforcing authority for all places

Premises where smoking will be banned

- n All enclosed public places and enclosed workplaces
- n **except**
Certain places where a person may have their home – e.g. prison, care home, hotel
- n **Exemptions for smoking rooms in residential homes (subject to conditions)**

Vehicles

The regulations apply to

- n **All vehicles used by the public**
- n **All shared company vehicles** (even when just one person at a time in vehicle)
- n **Taxis and private hire vehicles**
(No exemption when passengers not in or used privately)

Further regulations due out soon to cover

- n Signage
- n Vehicles
- n Penalties and discounted amounts

Signs

Dept of Health is to provide free signage

Companies can register on web

www.smokefreeengland.co.uk

All premises must display signs, even if they are smoke-free already

Signs

- n Signs must contain the standard no-smoking symbol



Signs

The Wording must include

- n "It is against the law to smoke in these premises"
- n OR "in this pub" etc

The size must be at least A5 (Half A4)



This sign may be used by itself in other areas of the premises e.g. staff entrance or shop within a shopping mall

providing the wording sign is displayed inside the main entrances

Offences under the legislation

- n **Allowing smoking** on such premises/vehicles
- n Not displaying **signs** of correct design
- n Not displaying **signs** in required areas
- n **Smoking** on premises/vehicles where the ban applies

Fixed penalty notices

*Authorised officer may give out **Fixed Penalty Notices** to*

- n **persons smoking** in premises/vehicles*
- n **Persons not displaying signage***

Prosecutions

- n **Allowing persons to smoke** on premises/vehicles
- n Non compliance –
 - n Not displaying signs
 - n Smoking in a smoke-free place
 - n Not paying a fixed penalty

Probable fines

Fixed penalties

- n Signs - £200 (£150 if paid within 15 days)
- n Smoking - £50 (£30)

Prosecutions (Max fines)

- n Signs - £1000
- n Smoking - £200
- n Failing to prevent smoking - £2500

Shelters

There is no legal duty for a proprietor to provide a smoking shelter

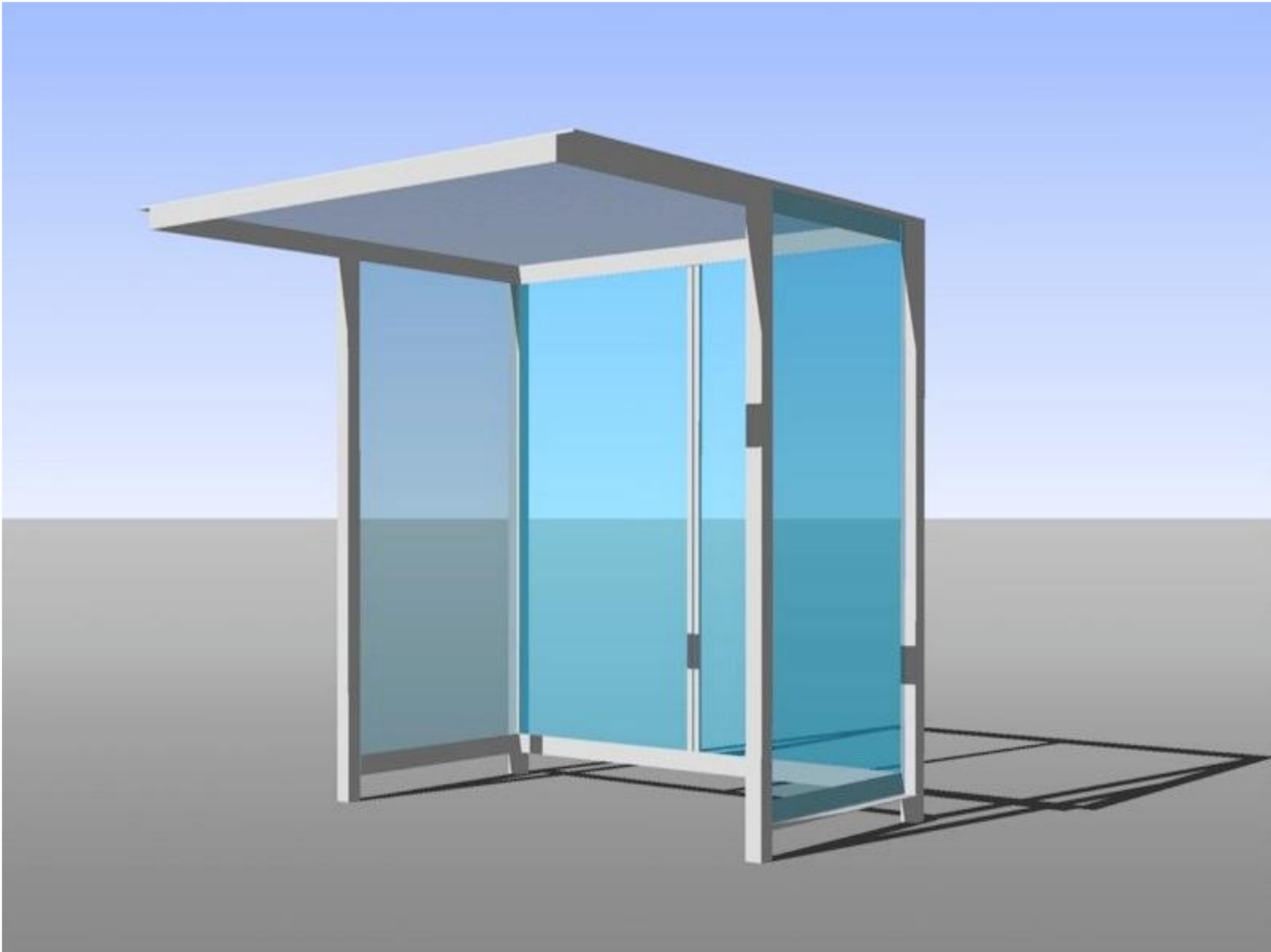
But if one is provided it must comply with

Dimensions specified in the

Smoke-free Regulations

Planning regulations (if appropriate)

Building Regulations

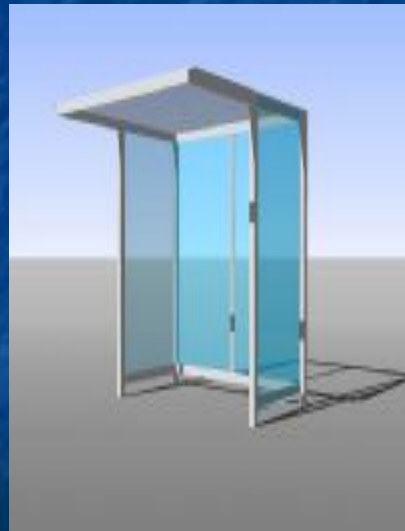


The Smoke-free (Premises and Enforcement) Regulations 2006

- n *Define the terms*
- n "Enclosed" and "substantially enclosed"
- n *Affects what businesses may provide in the way of external shelters for smokers*

Shelters

- n Shelters are compliant with the Smoke-free Regulations if –
- n the wall area is less than half the vertical dimensions



Shelters

Building Regulations require that shelters must be accessible to all people, including wheelchair users.

Shelters must also be of sound construction



Shelters

- n Doors in shelters are classed as walls
- n A roof includes a moveable structure
- n e.g. a canvas awning

Shelters

National guidance is still awaited on the minimum distance a shelter should be from a building wall

Entrances

- n Areas immediately outside entrances are not covered by the Regulations
- n Some places have a policy of keeping people a particular distance from the entrance

Some potential problems following a ban on interior smoking

- n Neighbourhood noise
- n Increased litter
- n Obstruction of pavements
- n Planning contraventions (shelters)
- n Planning contraventions (attachments to listed buildings – e.g. signs/cig end boxes)
- n Obstruction of means of escape routes



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Street furniture

Contact Highways Dept



Website

www.smokefreeengland.co.uk

Local contacts

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