

# Your legal requirements from 1st July 2007

## **From 1<sup>st</sup> July 2007, all workplaces and enclosed public places will have to be smoke free.**

Each year, 12,000 people die from illnesses caused by inhaling other people's smoke. To protect the health of all workers, the Government has committed to making it a legal requirement in England that all workplaces and enclosed public places are smoke free. From 1<sup>st</sup> July 2007, it will be illegal to smoke in offices, shops, factories, pubs, village halls, taxis - any enclosed place where someone else is working on a paid or voluntary basis.

## **Think your organisation is smoke free? Think again!**

1 in 4 employers think their organisation will be ready for the smoke free legislation - and are wrong.

### **Indoors**

All premises will have to be completely smoke free inside. If your organisation has any smoking rooms inside the premises, even if they are enclosed rooms with ventilation, they will also have to be smoke free.

### **Outdoors**

If your organisation has any outdoor structures that have a roof and walls at least half the way around, these will be considered 'substantially enclosed' and will have to be smoke free. **Bear this in mind if you are considering putting up a shelter for smokers in an outdoor area, and also check if you need planning permission with your local Council.**

### **Vehicles**

Any vehicles, such as company owned vans or cars, will have to be smoke free if they are used by more than one person - even if those people use the vehicle at different times. If you, your employees or volunteers, use privately owned vehicles for work purposes, these will have to be smoke free if a passenger is carried.

## **Workplaces with exemptions**

There will be a limited number of workplaces where a controlled exemption will be allowed.

### **Residential accommodation**

Hotels, guest houses, etc, may designate bedrooms in which guests can smoke. Where residents are over the age of 18 in prisons, residential care homes and hospices delivering palliative care, bedrooms or a communal room may be designated where residents can smoke.

### **Private homes**

The legislation cannot cover domestic settings - what people do in their own home is their choice. However, if a private home, or part of a private home, is used as a place of work by one or more persons who do not live there, or if a person is invited to the work area(s), the work area(s) will have to be smoke free.

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## To ensure that your organisation complies with the law:

- You will need to display 'no smoking' signs at all entrances to premises. These must meet the following specifications:
  - Be of at least A5 size.
  - Display the 'no smoking' symbol. The symbol must be at least 70mm in diameter.
  - Bear the wording: *No smoking. It is against the law to smoke in these premises/this hotel/this pub* (as applicable).
- Smoke free vehicles owned by your organisation will need to display a 'no smoking' sign in each compartment. These must display the 'no smoking' symbol.



## Penalties for non-compliance

- Any owner of a premises who allows smoking will be liable to a £2,500 fine.
- If members of the public, or your employees or volunteers, smoke in a smoke free building they will be liable to a £200 fine or an enforcement officer could issue a £50 penalty notice.
- For not displaying the correct 'no smoking' signs, a fine of £1,000 or a penalty notice of £200 can be given.

## Want further help to go smoke free?

- Call the Smoke Free England information line on 0800 169 1697 and register for an information pack and free 'no smoking' signs
- Visit [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk) for up-to-date information and resources
- Your local Council's website will have information on how to go smoke free, including a sample smoking policy that you can adapt for your workplace
- Your local NHS Primary Care Trust's website will have information about their free Stop Smoking Service
- The National Clean Air Award is awarded to any business with a smoke free policy. If you would like to receive an award, as well as information on how to go smoke free, visit the website at [www.cleanairaward.org.uk](http://www.cleanairaward.org.uk)