

Smoking shelters – areas where staff or customers can smoke

If you feel you need to provide outdoor smoking areas for your staff and customers, you should firstly consult with your staff and/or customers, then take a look at the advice in this leaflet. You may find that you need additional planning permission to erect the kind of shelter you prefer. A shelter could be as simple as an awning or parasol – or it could be a purpose made structure.

Please remember that to be accepted as a smoking area, the shelter must not be a 'wholly or substantially enclosed area' which will determine whether or not the law applies to it. In principal it can have a roof and must have less than 50% walls. Doors and windows which can be opened will be counted as part of the wall area.

Where an outdoor smoking area is not being created, and staff and/or customers require to leave the premises to smoke, you might also want to provide external stubbing-out bins at entrances or exits to keep litter to a minimum. Consideration should also be given to helping to ensure the safety of such individuals, for example if the outdoor area used for smoking is in a location which may be isolated or poorly lit. Your local community safety officer may be able to give you some advice. If you run a licensed premises you may also need to consider how to deal with the issue of people taking their drinks outside in glass containers and bottles.



We've included some pictures below to show you what would be acceptable in terms of not being 'substantially enclosed' i.e. smoking allowed.

Remember, if your shelter is close to the borderline of being 'substantially enclosed' and you need to make a calculation as to whether the wall area is less than 50%, please keep the figures as Enforcement Officers will ask to see these during visits.



Just less than 50% walls – the most enclosed that a structure could be.



More than 50% walls –
to comply this would
need some glass panels
removed.



Modern and sociable –
less than 50% walls.



Primitive but effective –
less than 50% walls.

Department of Health, used with permission



Pub yard area with shelter built around the edge.



Uncovered smoking area outside building. Well signed, kept away from front door and provided with cigarette litter bins.



With a ceiling and three walls, smoking would not be permitted on this loading bay.

You can't put the shelter in a position where its roof touches up against a building wall – in those situations you would make the shelter a substantially enclosed space and smoking would be prohibited. As a rule of thumb you need a 1.5 metre gap between the roof and an adjacent wall.



Too close to the building. Therefore, more than 50% walls.

Remember – this is a guide and not a legal document. Each shelter may need individual assessment. There could be Fire Safety, Health & Safety, Planning or Licensing issues around the construction and siting of your smoking area/shelter. Don't always accept manufacturers or suppliers assurances that a shelter complies with the legislation. For specific advice about your drawings or plans for a shelter or smoking area and whether they comply with the legislation, contact your local Council's Planning department.

*Photographs used with permission of South Ayrshire District Council (shelters) and Cigarette Bins UK www.ciggybins.co.uk (suppliers of shelters and cigarette bins).
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