



Smokefree England 1 July 2007 - what it means for pubs

A law requiring smokefree environments in workplaces in England—including pubs—comes into effect 1 July 2007. The legislation ensures that workers, including those in pubs, are protected from the risks to health from tobacco smoke and are guaranteed their right to work in a smokefree environment.

What pubs are covered by the legislation?

The legislation covers all pubs. Pubs will not be allowed to have designated smoking areas in enclosed areas and in structures, which are 'substantially enclosed'.

What do 'enclosed' and '*substantially enclosed*' mean?

Enclosed: the premises has a ceiling or roof and is wholly enclosed, whether on a permanent or temporary basis, e.g. tents and marquees.

Substantially enclosed: the structure has a ceiling or roof and there are openings in the walls, which are less than half the perimeter of the walls. This is called the '50% rule'. For more detailed information click onto www.smokefreeengland.co.uk.

What will the legislation mean in practice?

It requires a pub manager/owner to:

- Ensure all enclosed and substantially enclosed premises are smokefree
- Display 'No-smoking' signage at the public entrances of the pub. Signage will be available free by registering at www.smokefreeengland.co.uk.
- Take reasonable steps to ensure that staff and customers are aware that the premises are legally required to be smokefree and abide by the law.

What about outdoor smoking areas?

Here are some of the issues to consider in order to designate an outdoor drinking area for smoking:

See if your alcohol licence extends to outside areas. If not, you will need to apply to the local council.

- If the outdoor area is licensed, check the permitted hours. If the outdoor area has an earlier closing time than the bar, customers cannot take their drink with them after the permitted time when going out for a cigarette.
- Drinking outside will generate noise and litter and may also cause light pollution, which might result in neighbours raising objections to the council.
- If you want to erect a structure where people can smoke and drink, such as a portico, awning or covered terrace with floodlighting, you will need planning permission from the local council.



Do employers have to provide smoking breaks or outside smoking areas?

No on both counts. By law, employers must give staff an uninterrupted rest break of 20 minutes when their daily working time is more than six hours. (For staff under 18 this is one half hour break after four and a half hours). Staff can, of course, smoke during their rest period, if they choose—but they must not smoke in an enclosed or substantially enclosed area. As an employer you must decide whether or not to permit smoking elsewhere on your premises e.g. in open car parks, grounds, or shelters and you should indicate where smoking is allowed in your smoking policy.

My home is above the pub. Does it have to be smokefree too?

No. The legislation does not cover private residential space.

What about pubs with accommodation?

While the smokefree legislation does not guarantee that people will get a smokefree hotel room, the regulations require hotel rooms that are not smokefree to be clearly signposted as 'smoking rooms' and that their ventilation systems do not link into the smokefree areas.

What are the penalties for non-compliance?

- Failure to display minimum no smoking signs: up to £1000 or £200 fixed penalty notice
- Smoking in a no-smoking place: up to £200 or a penalty notice of £50
- Failing to prevent smoking in a smokefree place: up to £2500.

Is there help for staff to stop smoking?

The NHS offers a wide range of excellent, free and easily accessible support for smokers including local Stop Smoking Services, the Together Programme, the NHS Smoking Helpline on 0800 169 0169 , www.gosmokefree.co.uk and nicotine replacement therapy (NRT) on prescription.

Information about your local NHS Stop Smoking Service is at www.smokefreeyh.org.uk

Can I get help to make my pub smokefree?

Yes - log onto www.smokefreeengland.co.uk or phone the **Smokefree England Information Line 0800 169 1697** and register for the latest updates and FREE resources.

The Publican will be running a series of articles on its website to help pubs not only live with the smokefree legislation but also turn it to their advantage. www.thepublican.com