

# Legislation on Smoke-free Workplaces and Vehicles



## What you need to know!

A law requiring smoke-free environments in virtually all workplaces and work vehicles in England will be implemented on **1<sup>st</sup> July 2007**.

### **Why is second hand smoke harmful?**

Non-smokers who are exposed to secondhand smoke in the long term have a 25% increased risk of heart disease, 24% increased risk of lung cancer and significant increased risk of a stroke, lung problems, asthma, eye irritation etc.

### **Will smokefree legislation affect my business?**

It's worth noting that 75% of the population (80% of adults) are non-smokers and more and more people are insisting on their right to breathe air free from tobacco smoke. The vast majority of the public, including many smokers are in favour of smokefree legislation.

### **Which workplaces will be covered by the new legislation?**

The new legislation covers all premises which are wholly or substantially enclosed, and used as a workplace by more than one person. Smoking rooms will no longer be allowed.

Premises such as shops, offices, pubs, restaurants, churches, meeting halls, betting offices, hairdressers, factories will all be covered by the ban.

'Substantially enclosed' means rooms which have a ceiling or roof, and any openings in the walls smaller than half the total area of the walls. A roof includes any fixed or moveable structure or device, e.g. retractable awning, capable of covering all or part of the premises. Smoking will be allowed in shelters which are not substantially enclosed. (Planning permission may be required.)

### **What will the new legislation mean in practice to employers and managers?**

Employers and managers must ensure their buildings and vehicles are smoke-free. This applies even when the premises are not open for business. They must also ensure that signage meeting minimum standards set out in the regulations is displayed at each public entrance in a prominent position. [Free signage can be obtained by contacting Smokefree England.](#)

It is recommended that a Smoke Free Policy be drawn up to assist in compliance with this legislation. Such policies should detail responsibilities of management, employees and the public.

### **Are there any exemptions?**

Some hotel/guest house rooms may also allow smoking if the person in charge designates it as so and meets set criteria.

## **Will employers be required to provide external smoking areas?**

There is no obligation for employers to provide designated external smoking areas e.g. smoking shelters. Employers who wish to do so will need to ensure they comply with 50% rule and obtain planning permission if necessary.

## **What about entrances to buildings?**

Outside areas are not covered by the legislation. However employers may wish to include in a policy that smoking is not permitted within a certain distance of outside entrances so that staff and visitors do not have to walk through a cloud of smoke to get into the building.

## **What about vehicles?**

Vehicles used as public transport or those used as a workplace will be required to be smokefree. Signage will be required with minimum requirements.

## **What are the penalties for non-compliance?**

- Smoking in a smokefree place could lead to a fine of up to £200, with a fixed penalty notice option of £50, discounted to £30 for early payment.
- Failure to display no-smoking signs could lead to a fine up to £1000 with a fixed penalty notice option of £200 discounted to £150 for early payment.
- Failing to prevent smoking in a smokefree place, a fine of up to £2,500, with no option for a fixed penalty notice.

## **What further advice/guidance is available to assist businesses and employers?**

It is strongly recommended that businesses register with Smokefree England to receive guidance and information. Resources are also available to order e.g. signage

Smokefree England  
Information Line 0800 169 1697  
Website: [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)



Barrow Borough Council  
Tel: 01229 876543  
Website: [www.barrowbc.gov.uk](http://www.barrowbc.gov.uk)



## **What help is there for staff who wish to give up smoking?**

NHS Smoking Helpline 0800 069 0169  
Website: [www.givingupsmoking.co.uk](http://www.givingupsmoking.co.uk)

