

Feature

Performance through Partnerships

| England Becomes Smoke Free

From 1st of July 2007 virtually all enclosed public places and workplaces in England will become smoke free. According to the Government, a smoke free England will ensure a healthier environment, so everyone can socialise, relax, travel, shop and work free from secondhand smoke.

Which places must be smoke free?

- > Smoke free premises: The new smoke free laws will apply to almost all 'enclosed' and 'substantially enclosed' public places and workplaces. This includes both permanent structures and temporary ones such as tents and marquees. This also means that indoor smoking rooms will no longer be allowed. Premises will be considered 'enclosed' if they have a ceiling or roof and (except for doors, windows or passageways) are wholly enclosed either on a permanent or temporary basis. Premises will be considered 'substantially enclosed' if they have a ceiling or roof, but have an opening in the walls, which is less than half the total area of the walls. The area of the opening does not include doors, windows or any other fittings that can be opened or shut.
- > Smoke free vehicles: The new laws will also require vehicles to be smoke free at all times if they are used:
 - > to transport members of the public
 - > in the course of paid or voluntary work by more than one person - regardless of whether they are in the vehicle at the same time.
 - > Vehicles that are used primarily for private purposes will not be required to be smoke free.
- > Private Dwellings: In general, the new law does not cover private dwellings. However, any enclosed or substantially enclosed part of a premises shared with other premises, such as a communal stairwell or lift in a block of flats, will be required to be smoke free if: it is open to the public, or if it is used as a place of work, for example, by a cleaner, postman or security guard. The law does not require self-contained residential accommodation for temporary or holiday use (for example, holiday cottages or caravans) to be smoke free. The owners, however, may choose to make the accommodation smoke free.
- > Working from Home: Any part of a private dwelling used **solely** for work purposes will be required to be smoke free if: it is used by more than one person who does not live at the dwelling members of the public attend to deliver or to receive goods and/or services.

What do I need to do?

- > Employers, managers and those in charge of smoke free premises and vehicles will need to:
 - > display 'no-smoking' signs in smoke free premises and vehicles
 - > take reasonable steps to ensure that staff, customers/members and visitors are aware that premises and vehicles are legally required to be smoke free
 - > remove any existing indoor smoking rooms
 - > ensure that no one smokes in smoke free premises or vehicles

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- > Employers, managers and others are also being asked by the government to adopt a number of supportive measures, including:
 - > remove ashtrays from smoke free areas
 - > develop a smoke free policy in consultation with staff
 - > offer staff training to help them understand the new law and what their responsibilities are
 - > provide your staff and customers with support to quit smoking

What are the penalties for breaking the law? Anyone who does not comply with the new smoke free laws will be committing a criminal offence. The fixed penalty notice and maximum fine for each offence are set out below.

- > Smoking in a smoke free place – £30 fine if paid within 15 days (£50 fine if paid after that or up to £200 if the matter is dealt with by the Courts) – applicable to anyone smoking within a smoke free premises.
- > Failure to display “no smoking” signage - £150 fine if paid within 15 days (£200 fine if paid after that or up to £1000 if the matter is dealt with by the Courts) – applicable to anyone who manages or occupies a smoke free premises.
- > Failure to prevent smoking in smoke free premises – up to £2500 Court awarded fine.

The fixed penalty notice issued by the local authority must include information on the details of the offence and how payment is to be made. Anyone who receives a fixed penalty notice can choose to have the matter dealt with by a court. If a person does not pay a fixed penalty notice, the matter may also be referred to a court to be dealt with.

How can Ark Workplace Risk help?

Do you want assistance in ensuring that your current systems are up to standard and protect you adequately? To find out more please contact Ark Workplace Ltd on **0207 397 1450** or **clientservices@arkworkplacerisk.co.uk** where one of our team members will be happy to advise and support you in meeting your workplace risk management objectives.