



The Smoke-Free Premises etc. (Wales) Regulations 2007



Are you ready?



Why have controls on smoking in public places?

The aim of the new law is to protect workers and the general public from the harmful effects of environmental tobacco smoke.

Important facts



- The ban on smoking in public places is not about preventing smokers from smoking.
- There is hard evidence that environmental tobacco smoke has severe detrimental health effects on those who breathe it, and the risk increases with increased exposure.

Important facts



- Tobacco smoke, whatever its source, is damaging to health.
- It is not only non-smokers who have to be protected from environmental tobacco smoke, it is other smokers – smoke does not discriminate
- Occupationally exposed workers can be exposed to tobacco smoke for up to 8 hours – far higher than most smokers

Important facts



- Ventilation does not work, it moves air around and it may remove large particulates.
- Separate smoking & non-smoking rooms doesn't work – smoke drifts
- Even if non-smokers and smokers in your company don't mind you smoking, you cannot within an enclosed public space as defined in the legislation

Who will enforce the new law?



- In Wales, the ban on smoking in public places will be implemented by enforcement officers working for the local authority
- They will have powers to enforce and inspect all smoke-free premises
- Enforcement officers will work closely with local businesses to build compliance through education, advice and support.

Overview of the legislation and offences



The legislation which gives effect to the controls on smoking in Public Places is comprised of;

- The Health Act 2006
- The Smoke-Free Premises etc. (Wales) Regulations 2007

Offences

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The act provides for 3 main offences

- Offence of smoking in a smoke-free place
- Offence of failure to display appropriate no-smoking signage
- Offence of failing to prevent smoking in a smoke-free place

Smoke-free place



- **Premises** – smoke-free only in those areas
- which are “enclosed” or “substantially enclosed”, and
- are open to the public, or
- are used as a place of work by more than one person.

Smoke-free Place

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“enclosed or substantially enclosed”

Premises which have a roof and walls
on more than 50% of the perimeter.

In determining the area of openings, no account
will be taken of doors, windows or other
fittings which can be opened or shut.

Smoke-free Place

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A vehicle shall be smoke-free if it is used –

- for the transport of members of the public, or
- for work by more than one person

The regulation applies to vehicles and parts of vehicles which are enclosed.



Exemptions for Smoke-Free Premises

- Private accommodation
- Accommodation for guests and club members
- Other residential accommodation
 - care homes
 - adult hospice
 - mental health unit
- Prisons

Enforcement Options



Smoking in a Smoke-free place:

Offence under Section 7 of the Health Act 2006

An officer may issue a Fixed Penalty Notice –
penalty amount £50 (discounted to £30 if paid
within 15 days) **or**

If proceedings are instigated in the Magistrate's
court a person guilty of an offence will be
liable to a fine not exceeding level 1 on the
standard scale (£200)

Enforcement Options



Failure to display appropriate no-smoking signage:

i.e. failing to display no-smoking signs or displaying signs which do not comply with the Regulations

Offence under Section 6 of the Health Act 2006

An officer may issue a Fixed Penalty Notice - penalty amount £200 (discounted to £150 if paid within 15 days)

If proceedings instigated, a person found guilty of an offence under this section will be liable to a fine not exceeding level 3 (£1,000)

Signage



“No smoking” signs must be displayed in a prominent position at or near each entrance to smoke-free premises.

Signage

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The minimum signage requirement for premises is a no-smoking sign which:

- is flat, rectangular and at least 230mm by 160mm in size;
- Displays the international “No Smoking” symbol (at least 85mm in diameter),

and

Signage

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- Contains the following words:
“Mae ysmegu yn y fangre hon yn erbyn y
gyfraith /
It is against the law to smoke in these
premises”

Signage for vehicles

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- “No smoking” signs should be displayed in a prominent position in each compartment of the vehicle that is wholly or partly covered by a roof, including a driver’s compartment.
- The signs must display the international no-smoking symbol at least 75mm in diameter

Enforcement Options



Failing to prevent smoking in a smoke-free place:

Offence under Section 8 of the Health Act 2006

A person found guilty on summary conviction will be liable to a fine not exceeding level 4 on the standard scale (£2,500)

There is no Fixed Penalty Ticket alternative to this offence.

Management Controls



It is recommended that those in control of no-smoking premises:

1. Develop a smoke-free policy (preferably written)
2. Develop a procedure for dealing with any people who smoke (preferably written)
3. Communicate to staff in both the policy and written procedure
4. Keep a written record of any incident (and outcome) where a responsible member of staff confronts an individual for smoking on the premises.

Smoke-free policy

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Policy should:-

- Confirm commitment of business to maintain a smoke-free environment
- State the date the policy came into effect and the date when it will be reviewed
- Identify members of management and/or staff who have responsibility for it's implementation and review

Smoke-free policy

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- Declare that appropriate “No Smoking” signs will be clearly displayed at the entrances to and within premises
- State what will happen in the event of non-compliance
- Provide information about the support available to smokers who want to stop

Procedures

(if someone breaks the law)



- Draw the person's attention to the "No Smoking" signs in the area and inform them that he/she is committing an offence by smoking. Politely ask them to stop smoking.
- Direct them to the nearest place where they are able to smoke legally.
- Advise the person smoking that their actions could result in the person in control of the premises being prosecuted with a potential fine of £2,500



Procedures

(if someone breaks the law)

- Refuse the person service
- If the person continues to smoke, ask them to leave the premises
- If he/she refuses, implement normal procedures for anti-social/illegal behaviour on the premises
- Maintain a written record of all such incidents and outcomes.
- If physical violence is threatened by the person smoking, notify and/or seek assistance from the Police

Staff Training



Employers and managers of no-smoking premises should ensure that all staff, including new members of staff, are aware of the no-smoking policy.

All staff working in no-smoking premises should be aware of which member of staff or management present is the responsible person for dealing with any persons smoking.



Useful Websites



www.smokingbanwales.co.uk

www.smokefreeengland.co.uk

www.clearingtheairscotland.com



Compliance Line



National confidential telephone line for members of the public to notify local authorities of premises which are not complying with the Smoke-Free legislation.



Are you ready?





Smoke-Free Premises Hotline

Vale of Glamorgan Council

01446 709105

**.....contact us, we are ready to help
you comply with the new law.**