



# **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

A thick green horizontal arrow pointing to the right, starting from the left edge of the slide and ending with a diamond-shaped arrowhead.

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

A thick green arrow pointing to the right, positioned below the title.

**“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

A thick green arrow pointing to the right, positioned below the title.

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

A thick green arrow pointing to the right, positioned below the title "Signage".

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

A thick green horizontal arrow pointing to the right, starting from the left edge of the slide and ending with a diamond-shaped arrowhead.

- 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

A thick green arrow pointing to the right, positioned below the title.

- “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



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

A thick green arrow pointing to the right, positioned below the title.

- 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](http://www.smokingbanwales.co.uk)

[www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk)

[www.clearingtheairscotland.com](http://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.**