

How will the Smokefree Legislation affect Different Public Areas and Workplaces?

Vehicles

Any commercial vehicle used by more than one person in the lifetime of the vehicle must be smoke free at all times. This includes the driver providing transport whilst off duty as tobacco smoke is absorbed into the soft furnishings and stays around for weeks after a cigarette has been extinguished. Each compartment must display the “no smoking” sign. Therefore this includes public transport, taxis, fleet cars, workplace transport, and private hire vehicles. Taxis already displaying a “no smoking” sign will not need to replace them with the new signage.

Smoking in private cars does not fall under the regulations which includes rental and leased cars that are primarily used for private purposes.

Common Parts to Buildings

Freeholders/landlords of buildings will be required to display the “no smoking” signage. These premises include common parts of house of multiple occupation, halls and stairwells of flats and office blocks.

Residential Care and Nursing Homes, Prisons and Hospices

The legislative requirements will apply for to all public areas, including the lounge rooms, reception areas and corridors and other communal areas which are enclosed places and structures which are “substantially enclosed”.

Residents will be permitted to smoke in their own bedrooms if the management policy of the home allows this and that certain criteria are met:

- The designation of the room accompanied by appropriate signage
- A list of rooms designated to be available for enforcement officers if requested
- The rooms are completely enclosed, except for windows / doors, on all sides by solid floor to ceiling walls
- Ventilation does not link to other smoke free areas
- If the bedroom opens onto a smoke free public area then the door must be able to mechanically close to prevent smoke drift.

Staff will not be permitted to smoke in these designated rooms. Employees providing personal care or undertaking domestic work that enter these designated smoking rooms are not protected under the Smokefree Regulations. A risk assessment should be carried out for these employees, which may include non-smoking residents. The Royal College of Nursing has produced a guidance note which is accessible from their website www.rcn.org.uk

Mental Health Residential Establishments

There is a temporary exemption to permit smoking in these establishments. However, from 1st July 2008, mental health establishments will have the same exemptions as residential care homes.

Hotels, Bed and Breakfast and Self Catering Establishments

There are some exemptions which apply to this group of premises. Managers are permitted to designate bedrooms that smoking can be permitted providing the same criteria is met for the designated rooms for residential care and nursing homes. In regard to self catering, the whole apartment can be designated as smoking permitted. However, after smoking has been permitted in these areas, management cannot apply the no smoking requirement in these rooms. The private quarters of these establishments will not fall under these regulations.

Private Dwellings Used as a Workplace

The Smokefree Regulations does not apply to private dwellings. However, rooms that are used as a workplace will need to be smoke free if it is visited by people who do not live there (i.e. other employees or customers). The official no smoking signage will be required for these work rooms and the public entrance to the property. The Smokefree Regulations will not apply to private dwellings where a personal care or domestic worker is employed by the person living in the dwellings.

Sports and Leisure Establishments

The Smokefree Regulations does not include outdoor areas. However, The Football League has taken the decision to ban smoking throughout all stadium confines.

Licensed Premises including Pubs, Clubs, Restaurants, Hotels and Private Clubs

Some establishments may decide that they wish to provide shelters for those customers who wish to smoke and drink outside. However, the following should be considered before permitting the activity;

- Does the alcohol licence extend to outside areas?
- If the outside area is licensed, there may be different permitted hours. If the outdoor area has an earlier closing time than the bar, customers can not take their drink with them after the permitted time when going out for a cigarette.
- There may be more complaints from neighbours regarding noise, litter, glass breakages and light pollution
- Any outside structure such as portico, awning or covered terrace with floodlighting will require planning permission. If in doubt, advice should be sought from the Planning Department. Any outside structure must comply with the 50% rule in which the side openings of the structure must be 50% more than the solid wall area which includes doors and windows.

Specialist Tobacconists

These premises will be exempt from the Smokefree Regulations.

Theatres

Smoking will be permitted only in theatrical performances where it is essential to the acted role, for example, a play featuring Winston Churchill.