

HELP FOR SMOKERS WHO WANT TO QUIT

Around 70% of smokers say they want to stop smoking, and the new smokefree law could provide extra motivation to do so. If you'd like to help your staff and customers become non-smokers, there is excellent free support available from the NHS. This includes:

- **Local NHS Stop Smoking Services** – to find your local service, call the NHS Smoking Helpline free on 0800 169 0 169, visit gosmokefree.co.uk, text 'GIVE UP' and your full postcode to 88088 or ask at your local GP practice, pharmacy or hospital.
- **NHS Smoking Helpline** – individuals can speak to a specialist adviser by calling 0800 169 0 169 (lines are open daily from 7am to 11pm).
- **gosmokefree.co.uk** – an online resource for all the advice, information and support needed to stop and stay stopped.
- **Together** – this support programme is free to join, and is designed to help individuals stop smoking using both medical research as well as insights from ex-smokers. You can choose to receive emails, text messages, mailing packs and phone calls. For more information call the NHS Smoking Helpline on 0800 169 0 169 or visit gosmokefree.co.uk
- Employers can speak to their local NHS Stop Smoking Service about support for their employees during or outside working hours.

For more information about the new smokefree law in England or to request alternative formats, visit our website: smokefreeengland.co.uk or call the Smokefree England information line on **0800 169 169 7** or contact your local council.



EVERYTHING YOU NEED
TO PREPARE FOR
THE NEW SMOKEFREE LAW
ON 1 JULY 2007

A QUICK GUIDE TO THE NEW SMOKEFREE LAW

- England will become smokefree on Sunday, 1 July 2007. The new law is being introduced to protect employees and the public from the harmful effects of secondhand smoke.
- From 1 July 2007 it will be against the law to smoke in virtually all enclosed public places, workplaces and public and work vehicles. There will be very few exemptions from the law.
- Indoor smoking rooms in virtually all public places and workplaces will no longer be allowed.
- Managers of smokefree premises and vehicles will have legal responsibilities to prevent people from smoking.
- The new law will require no-smoking signs to be displayed in all smokefree premises and vehicles.
- The new law applies to anything that can be smoked. This includes cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes.
- Failure to comply with the new law will be a criminal offence. Penalties and fines for smokefree offences are set out below (for discounted amounts see page 15):
 - Smoking in smokefree premises or work vehicles:** a fixed penalty notice of £50 imposed on the person smoking. Or a maximum fine of £200 if prosecuted and convicted by a court.
 - Failure to display no-smoking signs:** a fixed penalty notice of £200 imposed on whoever manages or occupies the smokefree premises or vehicle. Or a maximum fine of £1000 if prosecuted and convicted by a court.
 - Failing to prevent smoking in a smokefree place:** a maximum fine of £2500 imposed on whoever manages or controls the smokefree premises or vehicle if prosecuted and convicted by a court.
- Local councils will be responsible for enforcing the new law. They will offer information and support to help businesses meet their legal obligations under the new law.

You can find out more information on the new law on the Smokefree England website at smokefreeengland.co.uk. You can also contact your local council for information and support.

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This guidance has been prepared by the Department of Health to help those with management responsibility for public places and workplaces to understand and comply with the new smokefree law. We have also included free resources to help your public place or workplace go smokefree on Sunday, 1 July 2007.

This is the official guide from the Government on the new smokefree law. The guide is intended to provide general information and cannot cover every situation where the new law will apply. If you need advice regarding your own specific circumstances, we suggest you make contact with your local council, or seek your own legal advice.



On 1 July 2007 virtually all enclosed public places and workplaces in England will become smokefree.

WHY IS ENGLAND GOING SMOKEFREE?

The new smokefree law is being introduced to protect employees and the public from the harmful effects of secondhand smoke.

Secondhand smoke is a serious health hazard, and there is no safe level of exposure. Every time someone breathes in secondhand smoke, they breathe in over 4,000 chemicals. Many are highly toxic. More than 50 are known to cause cancer.

Medical and scientific evidence shows that exposure to secondhand smoke increases the risk of serious medical conditions such as lung cancer, heart disease, asthma attacks, childhood respiratory disease, sudden infant death syndrome (SIDS) and reduced lung function.

Scientific evidence also shows that ventilation does not eliminate the risks to health of secondhand smoke in enclosed places. The only way to provide effective protection is to prevent people breathing in secondhand smoke in the first place. This is why the Government is introducing the new smokefree law.

It is estimated that the new law will save thousands of lives over the next decade, prevent serious diseases and help create cleaner and healthier enclosed environments for everyone to work in or visit.

Secondhand smoke contains over 4,000 chemicals. Over 50 are known to cause cancer.

Around 85% of secondhand smoke is invisible and odourless.

You can find out more information about the new law on the Smokefree England website at smokefreeengland.co.uk. You can also contact your local council for information and support.



Anyone in charge of smokefree premises will have a legal responsibility to prevent people from smoking within them.

WHAT MUST I DO TO GO SMOKEFREE?

GETTING READY TO GO SMOKEFREE

If you manage or are in charge of any premises or vehicles that the new law applies to (see page 9), you will have a legal responsibility to ensure they become and remain smokefree.

To be ready for the new law when it comes into effect on Sunday, 1 July, you'll need to make sure that:

- you have all the required no-smoking signs in place (see page 13)
- your staff, customers, members or visitors are aware that your premises and work vehicles are legally required to be smokefree
- you have removed any existing indoor smoking rooms.

KEEPING YOUR PREMISES AND VEHICLES SMOKEFREE

Once the new law comes into effect, it will be the legal responsibility of anyone who controls or manages smokefree premises and vehicles to prevent people from smoking in them.

You will have to demonstrate that you have taken reasonable steps to meet the requirements of the new law. These might include:

- removing ashtrays
- introducing a smokefree policy (see below)
- training staff to understand the new law and what their responsibilities are.

INTRODUCING A SMOKEFREE POLICY FOR YOUR BUSINESS

You may wish to introduce a smokefree policy for your workplace. This will help ensure your employees are aware of the new smokefree law and that they now work in a smokefree environment. It will also advise them on what they need to do to comply with the new law.

Your smokefree policy should be developed in consultation with employees and their representatives.

The smokefree policy can be a verbal understanding between you and your employees; incorporated into your existing corporate or health and safety policies, or you may wish to create a separate written policy.

We have enclosed a suggested smokefree policy within this guide. You can also download it from the Smokefree England website at smokefreeengland.co.uk/resources



Managers will need to be prepared to take action if someone smokes in a smokefree place for which they have responsibility.

WHAT SHOULD I DO IF SOMEONE SMOKES IN A SMOKEFREE PLACE I'M RESPONSIBLE FOR?

Based on experience from other countries, we are confident that people will respect the new law. However, you will need to be prepared to take action if someone smokes in any smokefree premises or vehicles that you are responsible for. Our advice is to:

- draw the person's attention to the no-smoking signs and ask them to stop smoking
- point out that they are committing a criminal offence by smoking in a smokefree premises or vehicle
- remind the person that under the law you have responsibilities to prevent smoking and that you could both receive a fine.

You should consider not serving or providing services to a person who is breaking the new smokefree law by smoking in a smokefree place.

If a customer or visitor continues to smoke, you can ask them to leave your premises. If an employee breaks the law, you may wish to consider taking disciplinary action. If physical violence is threatened by a person smoking, we suggest you notify and/or seek assistance from the police.

A tear-out flowchart is included at the back of this document, which suggests reasonable steps that you could take to deal with smoking in any smokefree premises or vehicle.

IS THERE SUPPORT AVAILABLE FOR ANYONE WHO WANTS TO STOP SMOKING?

Around 70% of smokers say they want to stop smoking, and the new smokefree law could provide extra motivation to do so. If you'd like to help your staff and customers become non-smokers, there is excellent free support available from the NHS. This includes:

- **Local NHS Stop Smoking Services** – to find your local service, call the NHS Smoking Helpline free on 0800 169 0 169, visit gosmokefree.co.uk, text 'GIVE UP' and your full postcode to 88088 or ask at your local GP practice, pharmacy or hospital.
- **NHS Smoking Helpline** – individuals can speak to a specialist adviser by calling 0800 169 0 169 (lines are open daily from 7am to 11pm).
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Employers can speak to their local NHS Stop Smoking Service about support for their employees during or outside working hours.

New guidance from the National Institute for Health and Clinical Excellence (NICE) will advise employers on how to help employees stop smoking. Visit nice.org.uk for more information.



The new law will help create cleaner and healthier environments for everyone to work in or visit.

WHICH PLACES MUST BE SMOKEFREE?

SMOKEFREE PUBLIC PLACES AND WORKPLACES

The new smokefree law will apply to virtually 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 in public places and workplaces 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.

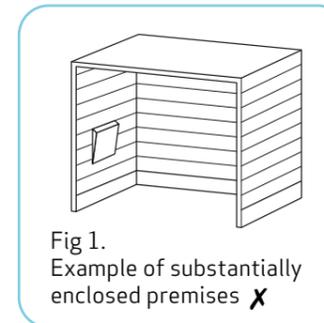


Fig 1.
Example of substantially enclosed premises X

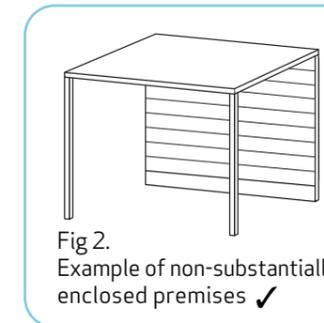


Fig 2.
Example of non-substantially enclosed premises ✓

If you require further advice on whether your premises are 'enclosed' or 'substantially enclosed' please contact your local council.

There is no requirement for outdoor smoking shelters to be provided for employees or members of the public.

If you do decide to build a shelter, we suggest you discuss any plans you may have with your local council, as there may be a range of issues you need to consider. These might include planning permission, licensing, building control, noise and litter.

Please note, the Department of Health cannot provide advice on the design or construction of smoking shelters.



Work vehicles must be smokefree if they are used by more than one person.

SMOKEFREE VEHICLES

The new law will require vehicles to be smokefree 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.

Smokefree vehicles will need to display a no-smoking sign in each compartment of the vehicle in which people can be carried. This must show the international no-smoking symbol no smaller than 70mm in diameter (see page 13 for more details).

When carrying persons, smokefree vehicles with a roof that can be stowed or removed will not be required to be smokefree when the roof is completely removed or stowed.

Vehicles that are used primarily for private purposes will not be required to be smokefree.

Ships and waterborne vessels will be covered by specific regulations that are being considered by the Department for Transport. More information is available from the Department for Transport by emailing smokingonships@dft.gsi.gov.uk or calling 020 7944 5427.

It is the legal responsibility of anyone who drives, manages or is responsible for order and safety on a vehicle to prevent people from smoking.

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 smokefree if:

- it is open to the public
- 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 smokefree. The owners, however, may choose to make the accommodation smokefree.

Anyone who visits private dwellings as part of their work, for example delivering goods, or providing services such as plumbing, building or hairdressing, can download further guidance at smokefreeengland.co.uk/resources

WORKING FROM HOME

Any part of a private dwelling used **solely** for work purposes will be required to be smokefree 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.



If you manage smokefree premises or vehicles, you have a legal responsibility to ensure that the required no-smoking signs are in place.



WHAT SIGNAGE DO I HAVE TO DISPLAY?

All smokefree premises and vehicles will need to display no-smoking signs that meet the requirements of the new law. Signs will make it clear which premises and vehicles are smokefree and demonstrate that you are taking the necessary steps to meet the requirements of the new law.

WHAT ARE THE REQUIRED SIGNS FOR SMOKEFREE PREMISES?

From Sunday, 1 July, no-smoking signs will need to be displayed in a prominent position at every entrance to smokefree premises. Signs must meet the following minimum requirements:

- be a minimum of A5 in area (210mm x 148mm)
- display the international no-smoking symbol at least 70mm in diameter
- carry the following words in characters that can be easily read:
'No smoking. It is against the law to smoke in these premises'

You are also free to personalise your signs by changing the words 'these premises' to refer to the name or type of premises – such as 'this gym', 'this salon' or 'this restaurant'.

A smaller sign consisting of the international no-smoking symbol at least 70mm in diameter may instead be displayed at entrances to smokefree premises that:

- are only used by members of staff – providing the premises displays at least one A5 area sign
- are located within larger smokefree premises, such as a shop within an indoor shopping centre.

WHAT IS THE REQUIRED SIGNAGE FOR SMOKEFREE VEHICLES?

Smokefree vehicles will need to display a no-smoking sign in each compartment of the vehicle in which people can be carried. This must show the international no-smoking symbol at least 70mm in diameter.

WHERE CAN I GET THE SIGNS?

To help you comply with the new law, we have included no-smoking signs that meet the requirements of the new law free with this guide. Additional signs can be downloaded and printed or ordered from smokefreeengland.co.uk/resources. Signs can also be ordered from the Smokefree England information line on 0800 169 169 7.

Alternatively, you are welcome to design and print your own no-smoking signs as long as they meet the minimum requirements.

The international no-smoking symbol consists solely of a graphic representation of a single burning cigarette enclosed in a red circle of at least 70mm in diameter with a red bar across it.



Local councils will work closely with businesses to help ensure everyone is prepared for the smokefree law.

HOW WILL THE NEW SMOKEFREE LAW BE ENFORCED?

Local councils¹ will be responsible for enforcing the new law in England. In the run-up to 1 July 2007, they will work closely with businesses to help ensure that everyone knows what they need to do to become smokefree.

Their approach to enforcement will be based on supporting businesses to comply with the new law. However, they will have the legal power to enter premises or board vehicles to determine if the new law is being upheld.

If you manage or are in charge of any premises or vehicles that the new law applies to, you will have a legal responsibility to ensure they become and remain smokefree.

A telephone line (0800 587 1667) will also be in operation from 1 July 2007 to enable employees and members of the public to report possible breaches of the law. This information will be passed to local councils to follow-up as appropriate.

In other smokefree countries, such as Ireland, Scotland and New Zealand, levels of compliance are high, and the laws quickly became self-enforcing.

If you have any specific questions about how the new law will affect your business, please contact your local council.

WHAT ARE THE PENALTIES FOR BREAKING THE LAW?

Anyone who does not comply with the new smokefree law will be committing a criminal offence. The fixed penalty notice and maximum fine for each offence are set out below.

Offence	Who is liable?	Fixed penalty notice (if paid in 15 days)	Fixed penalty notice (if paid in 29 days)	Court awarded fine
Smoking in a smokefree place	Anyone who smokes in a smokefree place	£30	£50	Up to £200
Failing to display required no-smoking signs	Anyone who manages or occupies the smokefree premises or vehicle	£150	£200	Up to £1000
Failing to prevent smoking in a smokefree place	Anyone who manages or controls the smokefree premises or vehicle	N/A	N/A	Up to £2500

The fixed penalty notice includes 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.

¹ In ports, the law will be enforced by the local port health authority.

ARE THERE ANY EXEMPTIONS FROM THE NEW LAW?

Only a few premises will be exempt from the new smokefree law, and all exemptions are subject to strict conditions. Exemptions have been provided for workplaces with specific circumstances.

Exemptions are provided to allow managers to designate specific rooms for smoking in the following types of premises:

- hotels, inns, hostels, guesthouses and members' clubs that provide sleeping accommodation may designate individual guest bedrooms for smoking, but all other parts of the premises must be smokefree. Dormitories and other shared accommodation that is made available under separate arrangements must be smokefree at all times
- care homes¹, hospices² and prisons may designate either individual bedrooms or rooms to be used only for smoking for use by persons over 18 years of age
- residential mental health units³ may designate either individual bedrooms or rooms to be used only for smoking for use by persons over 18 years of age. This exemption applies only until 1 July 2008 when they are required to become smokefree
- offshore installations⁴ may designate rooms to be used only for smoking
- specialist tobacconist shops⁵ may allow people to sample cigars or small amounts of pipe tobacco within the shop premises. Smoking of any other product, including cigarettes, will be prohibited
- research and testing facilities may designate certain rooms for smoking only while the rooms are being used for any research or testing activities specified in the new smokefree law.

1 Care homes as defined in the section 3 of the Care Standards Act 2000.

2 Hospices which as their whole or main purpose provide palliative care for persons resident there who are suffering from progressive disease in its final stages.

3 Residential mental health unit means any establishment (or part of an establishment) maintained wholly or mainly for the reception and treatment of persons suffering from any form of mental disorder, as defined in section 1(2) of the Mental Health Act 1983.

4 Offshore installations as defined in regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995.

5 Only specialist tobacconist stores that meet the definition in section 6(2) of the Tobacco Advertising and Promotion Act 2002.

WHAT CONDITIONS MUST BE MET FOR DESIGNATED SMOKING ROOMS?

To allow smoking in one of the designated rooms or bedrooms specified on page 16, it will be the legal responsibility of anyone who controls or manages the premises to ensure that the following conditions are met.

Any room where smoking is permitted must:

- be designated in writing by the person in charge of the premises. This written designation needs to be kept permanently and produced for inspection by an enforcement officer if requested. This condition does not apply to specialist tobacconist shops
- have a ceiling and, except for doors or windows, be completely enclosed on all sides by solid floor-to-ceiling walls
- not have ventilation systems that ventilate into any other part of the premises (except other rooms designated for smoking) or into any other smokefree premises
- have mechanically closing doors, which should also be compatible with other laws, including fire regulations. This condition does not apply to prisons
- be clearly marked as a room in which smoking is permitted. You are free to create your own signs warning people about where they could be exposed to secondhand smoke.

If all the conditions above are not met, the room cannot be used for smoking and will need to be smokefree at all times. It is the legal responsibility of anyone who controls or manages the premises to prevent people from smoking in all parts required to be smokefree.

If you are in any doubt whether the rooms you propose to designate will meet with the conditions outlined above, then you are advised to discuss your proposals in advance with your local council.

In those instances where a 'room to be used only for smoking' may be designated (see page 16), this means that the room is not allowed to be used for any other purpose, for example, as a television room or library.

Although the law provides for these exemptions, there is no legal obligation for any workplace to offer designated smoking rooms or bedrooms if they do not wish to do so.

Employers will also continue to have legal responsibilities to protect the health, safety and welfare of their employees under pre-existing health and safety at work laws. See page 18 for further advice.

PERFORMERS

Where the artistic integrity of a performance makes it appropriate for a person who is taking part in that performance to smoke, the part of the premises in which that person performs will not be required to be smokefree for the performer only during the performance. This exemption does not apply to rehearsals.

The performer and any person that controls or manages the premises are liable for meeting the requirements of the new law. If the law is not met both parties could run the risk of being fined or prosecuted depending on the offence. For more advice, we suggest you discuss your proposals in advance with your local council.

WHAT ABOUT THE HEALTH AND SAFETY OF EMPLOYEES WHO WORK IN PREMISES WITH EXEMPTIONS?

Even with the new smokefree law, employers will still have a general duty of care under the Health and Safety at Work Act. Where it is considered to be unavoidable for employees to be exposed to secondhand smoke in their workplace, then the employer should consider what needs to be done to minimise the exposure of the employee or otherwise to protect the employee from the effects of exposure to secondhand smoke.

More information on health and safety at work is available from the Health and Safety Executive online at [hse.gov.uk](https://www.hse.gov.uk) or by telephone on 0845 345 0055.

FREQUENTLY ASKED QUESTIONS

When will the new smokefree law start? Sunday, 1 July 2007.

Who will enforce the new law? Local councils and port health authorities will enforce the new law and will have the power to appoint enforcement officers, such as environmental health officers, trading standards or local community support officers.

Does the law just apply to cigarettes? No, it covers all substances that a person can smoke. These include manufactured cigarettes, hand-rolled cigarettes, pipes, cigars, herbal cigarettes and water pipes (including shisha, hookah and hubble-bubble pipes).

Can I still have a staff smoking room? No, but you can have an outdoor smoking shelter, although there is no requirement for you to do so. If you decide to, you will need to ensure it is not 'enclosed' or 'substantially enclosed'. You may also need to consider other issues such as planning, licensing and building control, noise and litter.

Can I smoke in my own car? Yes, the new law doesn't cover vehicles used primarily for private purposes.

I share a work vehicle with another smoker. Can we still smoke? No, the law is designed to protect smokers and non-smokers from secondhand smoke. Smoking will only be permitted in work vehicles that are for the sole use of the driver and are not used by anyone else for work either as a driver or passenger.

I work from home. Will it be required to be smokefree? If more than one person uses any part of a private dwelling solely as a place of work, then it will be required to be smokefree.

Does new smokefree law apply to premises and vehicles used for voluntary work? Yes, the new law applies to all work, including voluntary work.

I occasionally use my private car for voluntary work, will it need to be smokefree? No, vehicles used primarily for private purposes will not need to be smokefree.

Are no-smoking signs required in heritage buildings? Any premises required to be smokefree will need to display no-smoking signs that meet the requirements of the new law prominently at entrances. The new law allows flexibility for signs to be designed and displayed in a way that fits the décor of premises.

Where can I get more information? For further information, visit smokefreeengland.co.uk or call the Smokefree England information line on **0800 169 169 7**. You can also ask your local council for advice and support.



SMOKEFREE POLICY

PURPOSE

This policy has been developed to protect all employees, service users, customers and visitors from exposure to secondhand smoke and to assist compliance with the Health Act 2006.

Exposure to secondhand smoke increases the risk of lung cancer, heart disease and other serious illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

POLICY

It is the policy of.....*Insert name of company*.....that all our workplaces are smokefree, and all employees have a right to work in a smokefree environment. The policy shall come into effect on Sunday, 1 July 2007. Smoking is prohibited in all enclosed and substantially enclosed premises in the workplace. This includes company vehicles. This policy applies to all employees, consultants, contractors, customers or members and visitors.

IMPLEMENTATION

Overall responsibility for policy implementation and review rests with*Insert name of manager*..... However, all staff are obliged to adhere to, and support the implementation of the policy. The person named above shall inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. They will also give all new personnel a copy of the policy on recruitment/induction.

Appropriate 'no-smoking' signs will be clearly displayed at the entrances to and within the premises, and in all smokefree vehicles.

NON-COMPLIANCE

Local disciplinary procedures will be followed if a member of staff does not comply with this policy. Those who do not comply with the smokefree law may also be liable to a fixed penalty fine and possible criminal prosecution.

HELP TO STOP SMOKING

The NHS offers a range of free services to help smokers give up. Visit gosmokefree.co.uk or call the NHS Smoking Helpline on 0800 169 0 169 for details. Alternatively you can text 'GIVE UP' and your full postcode to 88088 to find your local NHS Stop Smoking Service.

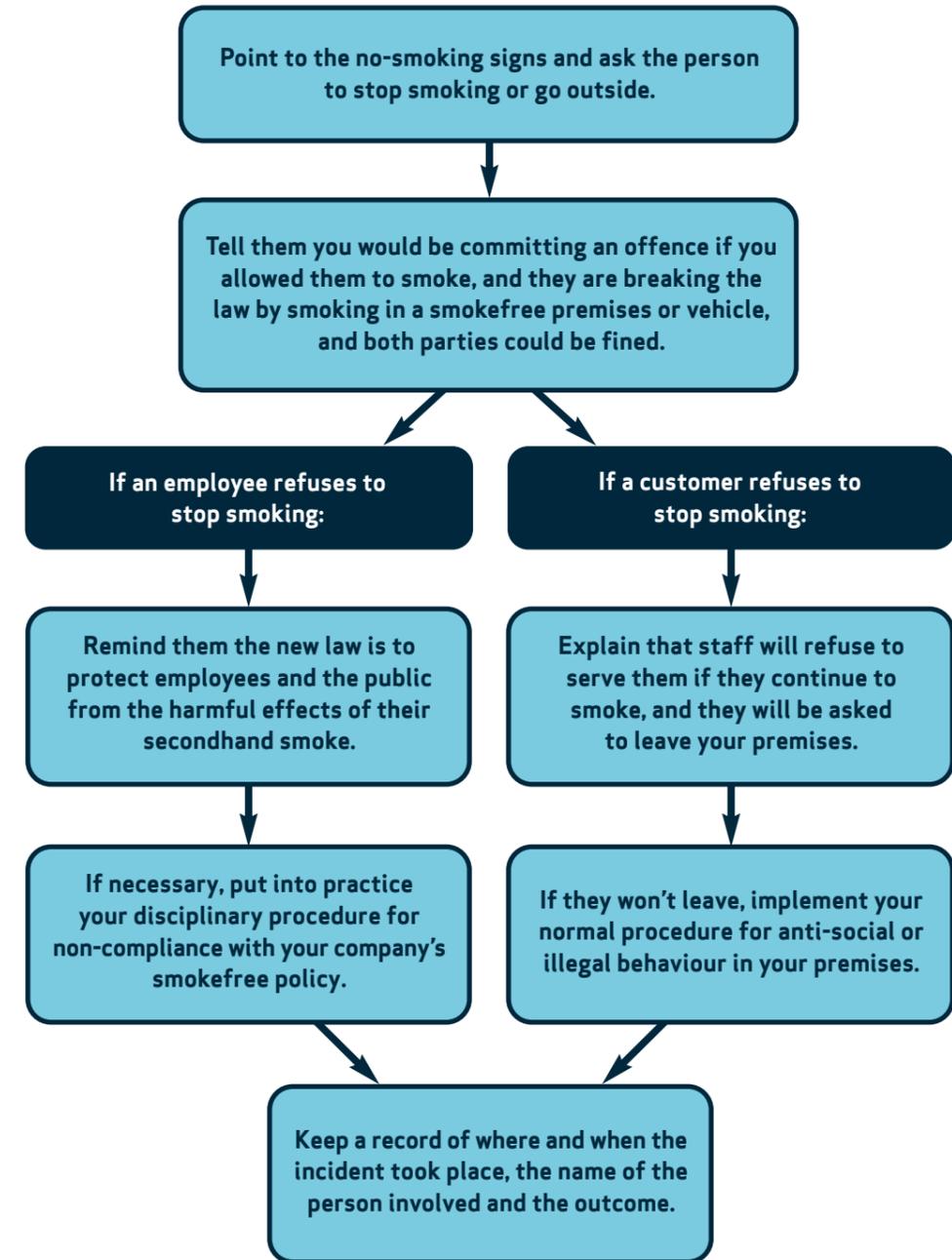
Signed Date

On behalf of the Company.....*Insert name of company*.....



HOW TO DEAL WITH SMOKING IN A SMOKEFREE PLACE

If you are in charge of smokefree premises and/or vehicles, you will have a legal responsibility to prevent people from smoking in them. If someone does smoke in any premises or vehicles you are responsible for, here are some practical steps you might take to deal with them.



If physical violence is threatened by a person smoking, we suggest you notify and/or seek assistance from the police.

CHECKLIST

This is what you need to do to when England becomes smokefree on Sunday, 1 July 2007:

- take reasonable steps to ensure that staff, customers, members and visitors are aware that premises and vehicles are legally required to be smokefree
- close any existing indoor smoking rooms
- display 'no-smoking' signs in smokefree premises and vehicles
- ensure that no one smokes in smokefree premises or vehicles.

You may also wish to:

- develop a smokefree policy in consultation with staff
- provide your staff and customers with support to quit smoking.

Smokefree England information line

0800 169 169 7

visit our website

smokefreeengland.co.uk