

## Smokefree Gloucestershire Fact Sheet - Pubs

New legislation requiring smokefree environments in workplaces and enclosed public places in England comes into effect 1 July 2007. This legislation ensures that workers, and members of the public, are protected from the health risks associated to tobacco smoke and are guaranteed the right to work in a smokefree environment.

### What pubs are covered by the legislation?

The legislation covers all pubs. Pubs will not be allowed to have designated smoking areas in enclosed areas and in structures that are 'substantially enclosed'.

### What do 'enclosed' and 'substantially enclosed' mean?

Enclosed: the premises has a ceiling or roof and is wholly enclosed, whether on a permanent or temporary basis, e.g. tents and marquees.

Substantially enclosed: (called the '50% rule') the structure has a ceiling or roof and there are openings in the walls that are less than half the perimeter of the walls. Doors and windows (e.g. patio doors) are not classed as "openings" but as part of a wall. For more detailed information click onto [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk).

### What will the legislation mean in practice?

It requires a pub manager/owner to:

- Ensure all enclosed and substantially enclosed premises are smokefree
- Display 'No-smoking' signage at the public entrances of the pub. Signage will be available free by registering at [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk).
- Take reasonable steps to ensure that staff and customers are aware that the premises is legally required to be smokefree and abide by the law.

### What about outdoor smoking areas?

Here are some of the issues to consider when designating an outdoor drinking area for smoking:

- See if your alcohol license extends to outside areas. If not, you will need to apply to the local council.
- If the outdoor area is licensed, check the permitted hours. If the outdoor area has an earlier closing time than the bar, customers cannot take their drink with them after the permitted time when going out for a cigarette.
- Drinking outside will generate noise and litter and may also cause light pollution, which might result in neighbours raising objections to the council.
- If you want to erect a structure where people can smoke and drink, such as a portico, awning or covered terrace with floodlighting, you will need planning permission from the local council.

## Are employers required to provide smoking breaks or smoking areas?

Employers must give staff an uninterrupted rest break of 20 minutes (paid or unpaid) when their daily working time is more than six hours. Staff can smoke during their unpaid rest period, but must not smoke in an enclosed or substantially enclosed area. If the break is paid it is for the employer to decide if the staff member is able to smoke.

There is no requirement in law for an employer to provide any smoking facilities for staff, visitors or customers

## My home is above the pub. Does it have to be smokefree too?

No. The legislation does not cover private residential space.

## What about pubs with accommodation?

Smoking will be allowed under the following conditions

Must be a bedroom specifically allocated (in writing) for smoking

Must be fully enclosed (except for doors and windows)

Must not be ventilated into the rest of the building

Must have an automatic door closing mechanism.

## What are the penalties for non-compliance?

- Failure to display minimum no smoking signs: up to £1000 or £200 fixed penalty notice
- Smoking in a no-smoking place: up to £200 or a penalty notice of £50
- Failing to prevent smoking in a smokefree place: up to £2500.

## Is any support available for people who want to stop smoking?

The NHS offers a wide range of excellent, free and easily accessible support for smokers. Gloucestershire Smoking Advice Service can be contacted on 08454 22 00 40

## Can I get help to make my pub smokefree?

Yes - log onto [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk) or phone the **Smokefree England Information Line 0800 169 1697** and register for the latest updates and FREE resources. For local advice, contact your local authority. The Publican has launched a Fresh Air Fresh Thinking campaign and will be running a series of articles on its website to help pubs not only live with the smokefree legislation but also turn it to their advantage. [www.thepublican.com](http://www.thepublican.com)