

The purpose of this note is to provide guidance to those considering providing facilities for smokers whilst still complying with the smoke free legislation. This note has been designed to give a general overview of the legislation and offer some basic advice. Licensees should refer to the actual legislation and specific guidance notes available before making significant investment in such things as smoking shelters.



Smoking Shelters

Evidence from Scotland and Ireland shows that many licensed premises will seek to provide areas for smokers through the provision smoking shelters, awnings or canopies. Planning permission may be required for smoking shelters as well as building regulations approval. The visual impact of the proposal will be carefully considered, particularly as a significant majority of licensed premises in the County Borough are located in already densely populated areas. In all cases, proposed smoking shelters should be of good design and materials will need to comply with national regulations.

The potential impact of noise will also be carefully considered and the Council will seek to ensure that the proposal will not result in unreasonable disturbance to any nearby noise sensitive premises, such as residential accommodation.

Awnings and Canopies

The fixing of awnings and canopies to a property will almost always have an effect on its external appearance and, as such, will require planning permission. Both the visual effect of the canopy or awning and its effect from possible noise and other disturbance will be taken into account when determining the application. Awnings and canopies carrying advertisements may also require a separate application for advertisement consent.

Beer Gardens

The use of land for a beer garden or patio does not always require planning permission, particularly if it is within the existing curtilage of the premises. However, permission will be required for any physical works including, for example, the erection of smoking shelters, some patio heaters, decking and so on. If permission is required the Council will carefully consider the possible impact of the development on nearby noise sensitive properties. The Council will also consider the visual impact of the proposal.

Pavement and Forecourt Tables

The use of a forecourt by a public house or similar establishment to site tables and other non-fixed structures will not normally require planning permission. However, where they are to be placed on the public highway then the consent of the highway authority will be required in addition to any other consents.

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Litter Bins and Noise Nuisance

Consideration must be given to preventing a build up of litter in areas intended for use by smokers. Bins should always be provided in beer gardens. If no specific area is provided for smokers many will use the pavement directly outside the front of the premises. Consideration must also be given to providing facilities for the disposal of cigarette ends etc in these areas. It should be noted that dropping a cigarette end in the street is an offence. The Council also has powers to require licensees to clear up ALL litter from the area around the front of their premises if there is a build up of litter.

Outdoor Entertainment

The premises licence will cover activities such as the playing of music in beer gardens. Any application to vary this licence to allow music to be played outdoors must be made in advance to the Licensing Team. In deciding whether or not to vary the licence conditions the Council will give due regard to the location of the beer garden and the likely impact of the proposed entertainment on nearby noise sensitive properties.

Useful Contacts

- For further information on Planning Permission please contact the Planning Control Section on (01495) 355555.
- For further information relating to the construction of smoking shelters please contact the Building Regulations Section on (01495) 355528.
- Applications for Pavement Café (Highway) Licenses should be made to the Highways Section at Central Depot, Barleyfield Industrial Estate, Brynmawr, NP23 4YF (01495) 355362.
- For advice and information on varying premises licenses please contact the Licensing Team on (01495) 356138.
- For further information on the smoking ban and all the latest news please visit the web site www.smokingbanwales.co.uk



Plan for the Ban

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