

## Frequently Asked Questions



Cyngor Bwrdeisdref Sirol

**Blaenau Gwent**

County Borough Council

### What is the reason for the ban on smoking in enclosed public places?

The law aims to protect workers and the general public from the harmful effects of passive smoking. It is estimated that exposure to second-hand smoke increases the risk of lung cancer in adult non-smokers by 24 per cent and heart disease in adult non-smokers by 25 per cent. Passive smoking also causes respiratory disease and asthma in non-smoking adults and children. The UK Scientific Committee on Tobacco and Health concluded in 2004 that second-hand smoke is a serious public health risk.

### Will the ban affect my business premises?

Yes, if they are wholly or substantially enclosed

### What is meant by “wholly enclosed” and “substantially enclosed”?

This relates to an area with a ceiling or roof that - except for doors, windows and passageways - is either wholly enclosed (whether permanently or temporarily); or is enclosed apart from an opening which is less than half the area of its walls.

### My workplace has designated or segregated areas for smoking. Isn't this enough?

No. Only a complete ban on smoking in enclosed areas will reduce exposure to second-hand smoke. This means that the provision of smoking rooms inside workplaces will no longer be allowed.

### My workplace is well-ventilated. Doesn't that provide protection from passive smoking?

No. There is no safe level of exposure to second-hand smoke. Ventilation systems improve comfort by removing the smell and visibility of the smoke. They do not eliminate toxic carcinogens (compounds that cause cancer) from the air.

### I have a very small business with only a couple of employees who smoke. Will this law still apply to me?

Yes, if your business is wholly or substantially enclosed.

### Will the new no smoking act affect private clubs, e.g. rugby clubs, snooker clubs, golf clubs, working men's clubs etc?

Yes. These premises are explicitly covered by the Health Act 2006 and cannot be exempted.

### I run a pub where the majority of customers smoke. How can I be expected to make them stop? - it will cause a disturbance.

The vast majority of the population are law-abiding citizens and we expect high levels of compliance. This has been the case in Ireland and Scotland. If you take all reasonable measures to prevent smoking and the customer will not extinguish his or her cigarette/ cigar/ pipe or leave the premises, you will not be liable under the legislation. If after you have taken these steps the person still refuses to stop smoking, you will need to implement your normal procedure for anti-social/ illegal behaviour in the premises. In any case where physical violence or intimidation is threatened, seek the assistance of the police.

## Who will enforce the law?

Authorised officers from Blaenau Gwent County Borough Council Public Protection Division will have powers to enter all no-smoking premises in order to establish that the smoke-free legislation is being followed in accordance with the law. They will also be able to give out fixed penalty notices to people whom they believe are committing, or have committed, an offence under the legislation.

## What specific offences are created by the legislation?

The legislation creates three specific offences:

- Failing to display no-smoking signs in premises covered by the law;
- Smoking in a smoke-free place;
- Failing to prevent smoking in a smoke-free place.

In addition, it will be an offence to intentionally obstruct an officer authorised by the local authority to enforce the smoke-free legislation or to fail to assist the officer in the exercise of his functions without reasonable cause.

## My workplace is already smoke-free. Will I have to do anything?

You will have a duty to comply with the law.

## What penalties are proposed for those who break the law?

- Individuals may be fined a fixed penalty of £50 for smoking in no-smoking premises. For a summary conviction, the maximum fine will be up to £200.
- The manager or person in control of any no-smoking premises could be fined a fixed penalty of £200 for failing to display warning notices in no-smoking premises. For a summary conviction, the maximum fine will be up to £1,000.
- The manager or person in control of any no-smoking premises could be fined up to £2,500 for allowing others to smoke in no smoking premises.
- The offence of obstruction of an officer authorised by the local authority to enforce the legislation carries a maximum fine of £1,000

## Am I obliged to provide external smoking shelters for any of my staff or customers who smoke?

No. However, you may wish to review your smoking policy and discuss with your staff how best to meet their needs within the new smoke-free legislation.

## I want to provide external smoking shelters where my staff and customers can smoke. How should I go about this?

You will need to ensure that what you are proposing complies with the law, i.e. is not wholly or substantially enclosed. We would be advised to seek advice from the Planning Control and Building Control Sections of Blaenau Gwent County Borough Council before beginning construction.

## Are there any exemptions to the law?

Only a few exemptions are proposed, mainly on humanitarian grounds or to cover workplaces which are also a person's place of residence. These include:

- designated rooms in adult residential care homes;
- designated rooms in residential mental health treatment settings;
- designated hotel bedrooms.