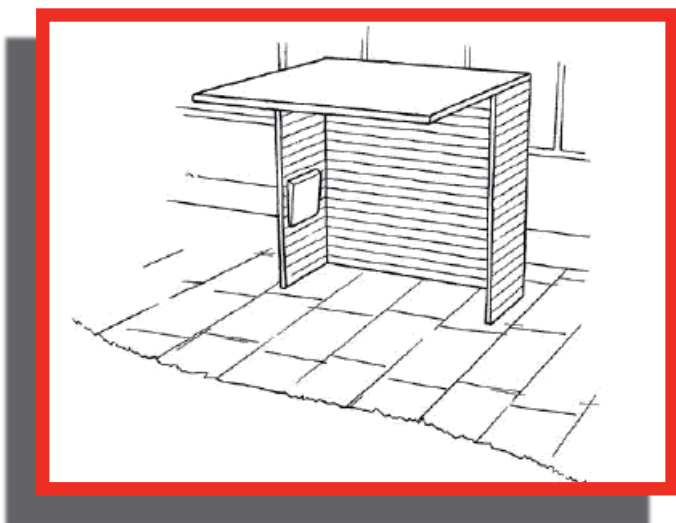
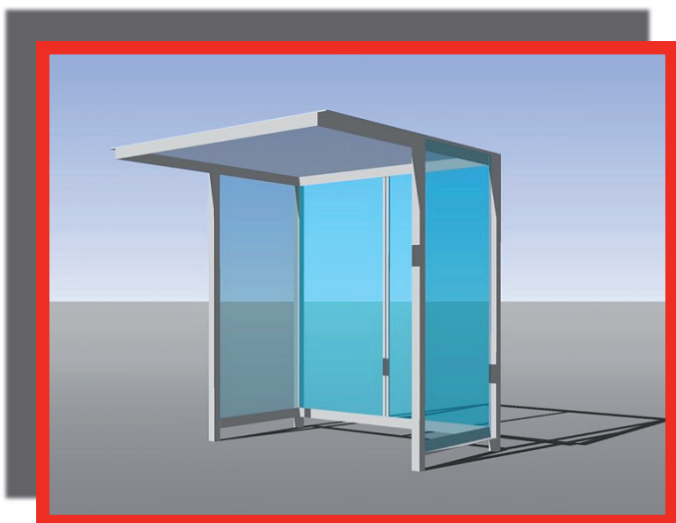


This guidance is intended to provide businesses some basic information on the construction of smoking shelters. It is not statutory guidance and we always advise that professional advice is sought before any construction begins. You must also ensure that you have obtained the correct permissions, such as Planning Permission and Building Regulation Approval, before beginning construction.

A smoking shelter must not be fully or substantially enclosed. Put simply, in order to comply with the law a smoking shelter must be at least 50% fully open, i.e. half the area of the walls excluding door and window openings. Examples of shelters that comply are shown below:



BE WARNED – If you are considering buying a ready made shelter we are aware that there are many companies that are advertising for sale ‘smoking shelters’ that DO NOT comply with the 50% open rule. It is your responsibility to ensure that it does comply with the law before you buy it.

It is important that you consider the following

- Any structure under a roof or ceiling is considered to be a smoking shelter. It does not have to have walls – a canopy or awning could be considered a smoking shelter and may require planning permission.
- A smoking shelter can be attached to or situated next to an existing wall or structure. However, the 50% open rule must still be complied with. You must include the walls of the smoking shelter AND that of the existing structure that it is being fixed to or placed next to when ensuring it is compliant.
- The principle of the smoking ban is to prevent exposure to second hand smoke. If you want to place a smoking shelter next to a window then you will have to arrange for that window to be sealed to prevent smoke from within the shelter entering the building. You must also ensure that the shelter is not close to an entrance into a building. We consider that the structure should be at least 1.5m away from a doorway into an enclosed public place.
- When deciding where to locate a shelter you should give consideration to the locality of other structures close by. If they are too close they may be considered part of the smoking shelter e.g. a beer garden wall close to an awning or canopy.
- You must give consideration to the control of litter produced in the smoking shelter, by providing a bin for example.
- You are under no obligation to provide a smoking shelter.
- Bear in mind that when you apply for planning permission it is highly likely that Environmental Health will ask for details on how you propose to control the impact of people using the smoking shelter on your neighbours, the potential for additional noise late at night being an example.

PLEASE REMEMBER – you must refer to the Regulations or seek professional advice before building your shelter. If you prefer to buy a ready made shelter then please ensure that this complies with the 50% open rule before you order it. If you are in doubt please ask. It is better to delay building your shelter than have to go to the expense of modifying it later because it does not comply.

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.
- For advice and information on varying premises license conditions please contact the Licensing Team on (01495) 356138.

www.smokingbanwales.co.uk