

# Smoke Free Wrexham

**A Guide to the new Smoke Free  
Legislation for Businesses**

**2nd April  
2007—  
Are you  
Prepared?**

**stop**





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### Introduction

On 2 April 2007 the law banning smoking in wholly or substantially enclosed public places in Wales will come into force.

This booklet offers information and advice on the new law for employers, managers and other people in control of work and public places - including restaurants, pubs, bars, members clubs, hotels, shops, cinemas, shopping centres, leisure centres, theatres and public transport.

Please bear in mind that this is guidance only and, due to time constraints, is being issued based on the **draft** regulations. If you are in doubt about your legal obligations you are advised to seek legal advice. The National Assembly for Wales will be issuing further guidance to you and you should keep updated on the developments with the regulations via the Assembly's website [www.smokingbanwales.co.uk](http://www.smokingbanwales.co.uk)

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## Why is the new law being introduced ?

The National Assembly for Wales is introducing the Smoke-Free Premises etc (Wales) Regulations 2007 on 2 April 2007 . The aim of the legislation is to protect people in Wales from the harmful effects of passive smoking, similar to the legislation that controls exposure to asbestos and other carcinogenic agents.

The Assembly established a Committee to review the evidence available on smoking in public places. They produced a report in May 2005 which forms the basis for these regulations. (see [www.smokingbanwales.co.uk](http://www.smokingbanwales.co.uk))

### Key messages

- There is hard evidence that environmental tobacco smoke has severe detrimental health effects on those who breathe it, and the risk increases with increased exposure. It is not myth **and it** is likely to be responsible for 617 deaths a year, including 54 in the hospitality industry. (*British Medical Journal April 2005;330;812*) . The ban **will save lives**.
- Evidence shows the ban is not bad for business.
- Occupationally exposed workers can be exposed to tobacco smoke for up to 8 hours - a far higher exposure level than most smokers.
- Ventilation does not work - it moves air around and it may remove large particulates. It does not remove the carcinogens from cigarette smoke, which continue to circulate and be inhaled.
- Having separate non-smoking rooms and smoking rooms doesn't work- smoke drifts about and doesn't respect arbitrarily drawn boundaries.
- The ban on smoking in public places does not breach the Human Rights of smokers- the right to freedom of expression is a qualified right and it is legitimate to limit such rights in the interests of protecting health, which is what the ban is about.
- The majority of the population (just under 75%) do not smoke, smoking is very much a minority activity.



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## Key Facts on the Smoke Free Legislation

The law will require most premises, if wholly or substantially enclosed <sup>1</sup> to be smoke free. This includes previously designated "smoking rooms".

This will affect most public premises including restaurants, pubs, bars, shops, cinemas, shopping centres, leisure centres, other enclosed workplaces and public transport.

The National Assembly of Wales website has detailed information on the new regulations, register with them to keep updated at [www.smokingbanwales.co.uk](http://www.smokingbanwales.co.uk)

### The law creates 3 specific offences:



Failing to display No-Smoking signs in premises covered by the law (£200 Fixed Penalty Notice or maximum £1000 on summary conviction)



Smoking in a smoke free place (£50 Fixed Penalty Notice or maximum £200 on summary conviction)



Failing to prevent smoking in a smoke free place (£2500 maximum fine on summary conviction)

- Your business or organisation will need to take steps to ensure that employees, customers, members and visitors obey the new law.
- Authorised officers of the council will offer businesses support and enforce the law.

<sup>1</sup> A public place, including workplace, which has a roof, and walls on more than 50% of its perimeter.

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## Places where the new law applies

The law prohibits smoking in certain public places which are wholly or 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.

In simple terms this means a public place, including a workplace, which has a roof and walls on at least 50% of its perimeter.

This means that previously designated "smoking rooms" will no longer be allowed.

## Places that are exempt

### 1. Private accommodation **except** for:

- communal lifts
- foyers, indoor stairwells or communal corridors in flats
- shared kitchen or laundries in dormitory style accommodation
- part of premises used solely for work and used by more than one person who does not live in the dwelling (this would include circumstances when clients visiting)

2. Designated **bedroom** in hotel, guest house, inn, hostel or members' club (must be clearly marked as such and be designated in writing by the manager as a smoking bedroom, must have self-closer on door ) Proprietors and managers are advised to carefully consider the legislation if designating any bedroom as a smoking bedroom, to ensure they comply with the new law.

3. Care Homes (as defined in Care Standards Act 2000) hospice for adults, mental health unit providing residential accommodation. Designated smoking room can be **a bedroom or room** only used for smoking (clearly marked, self-closer on door.) Proprietors and managers in the care sector are advised to carefully consider the legislation if designating any room as a smoking room, to ensure they comply with the new law.

4. Self-contained temporary or holiday accommodation.

5. Prisons

There is no obligation on the proprietors of those premises exempted under the new law to provide designated areas for smoking if they do not wish to do so.



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### How to Comply with the Law

Employers, managers and those in control of no-smoking premises will need to display no-smoking notices and to take reasonable steps to ensure that staff, customers, members and visitors are aware of the new law and that they do not smoke in their premises. We recommend the following minimum action:



Display of **no-smoking notices** (as specified in the draft regulations and forthcoming guidance on [www.smokingbanwales.co.uk](http://www.smokingbanwales.co.uk)) so that they are clearly visible to all employees, customers and visitors while they are in the premises;



Developing and implementing a **smoke-free policy** with staff to ensure that infringements by employees, customers, members of the public etc. are dealt with under agreed procedures;



Removing all ashtrays from premises;



Informing anyone smoking that he/she is committing an offence;



Requesting that they extinguish their smoking material immediately or leave;



Refusing service if a customer or member continues to smoke in public.

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# Vehicles

1. A vehicle must be smoke free at all times if it is used for:

- The transport of the public or section of the public whether or not for reward or hire.
- For work by more than one person (even if persons work at different times or intermittently) e.g. HGV, delivery van, farm vehicle.

2. At least one no-smoking sign should be displayed in a prominent place visible to a person entering the vehicle. Signage requirements to be issued but should display international "no smoking" symbol (graphic representation of a burning cigarette enclosed in a red circle with a red bar across it) and be at least 75mm in diameter.

3. It will be the duty of the operator, driver or any person on the vehicle responsible for public order or safety on the vehicle to prevent smoking in a smoke free vehicle.



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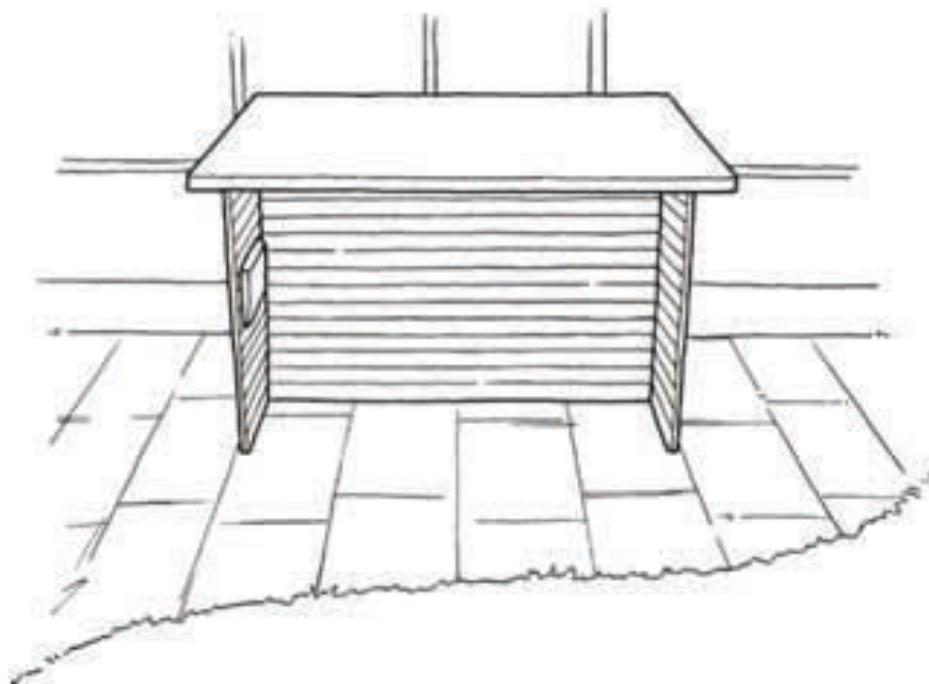
## Areas where staff or customers can smoke

Employers are not obliged to provide smoking shelters for staff or customers. Should they wish to do so businesses are advised to consult with your staff, then take legal and local planning advice and licensing advice if you are a licensed premises, to make sure your proposals comply with the law.

Please remember any structure where smoking is permitted must **not** be wholly or substantially enclosed. Basically if the structure has a roof, the shelter will need to be less than 50% enclosed. Please refer to the worked example and advice leaflet on Smoking Shelters in this pack.

Useful telephone Numbers for Wrexham County Borough Council :

Planning Department:           01978 292017  
Licensing Section:            01978 292049  
Health and Safety Section:   01978 297029 or 01978 297219



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## What to do if someone ignores the smoking ban

If an employee or member of the public continues to smoke in your premises then it is important that you have an agreed procedure to follow.

It will assist you and your staff if you adopt a Smoke Free Policy which should be concise and simple to understand. The advantages of doing this are that staff and customers who flout the law will be dealt with consistently and that you as an employer are demonstrating due diligence with the law.

## Enforcing the new smoking law

A template Smoke Free Policy is in this pack and Appendix 1 to the document outlines the steps you can take if someone ignores the smoking ban. The law will be enforced by officers from the Housing and Public Protection Department of Wrexham County Borough Council.

Our aim is to provide advice and support to businesses wherever possible.

Once the law is in force authorised enforcement officers will have the power to enter no-smoking premises to determine whether the law is being upheld. We will also assess whether or not those in control of the premises have taken all reasonable precautions to prevent people smoking.

Inspections carried out by enforcement officers will either be pro-active, to advise businesses and to confirm compliance with the law, or re-active, in response to a complaint. Inspections may also be incorporated within other health and safety and food hygiene inspections.

Enforcement officers may carry out inspections in a number of different ways. This could include inspections:

- Where officers will announce themselves prior to assessing the situation within the premises; or
- more covert surveillance, where officers will assess the situation by observation, then identify themselves following the period of surveillance



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## Further Guidance

Detailed guidance is available on the following website  
[www.smokingbanwales.co.uk](http://www.smokingbanwales.co.uk)

This will set out the steps that employers, managers and those in control of premises should take to comply with the smoking law.

Before the ban comes into force there will be a mailshot to businesses from the Welsh Assembly Government. The information will include samples of the bilingual 'no smoking' signs that will need to be displayed in Wales. The signs will also be available to download from the above website or on request from the Welsh Assembly Government.

For further advice and assistance please contact the **Health and Safety Section** of the **Housing and Public Protection Department, Wrexham County Borough Council on 01978 297029 or 01978 297219.**

Information is also available on the Council's website at [www.wrexham.gov.uk](http://www.wrexham.gov.uk)

### **Other Useful Contacts**

All Wales Smoking Cessation Service Tel: **0800 085 2219**

**ASH** - [www.ash.org.uk](http://www.ash.org.uk)



Wrexham County Borough Council  
Health and Safety Department  
Crown Buildings Chester  
Street  
Wrexham  
LL13 8BG

Phone: (01978) 297029 or (01978) 297219

Fax: (01978) 297098

E-mail: [smokefree@wrexham.gov.uk](mailto:smokefree@wrexham.gov.uk)



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