

Smokefree England 1 July 2007 - what it means for hotels/B & Bs

A law requiring smokefree environments in workplaces, including hotels and B&Bs, comes into effect on 1 July 2007. The legislation ensures that workers and members of the public are protected from the risks to health from tobacco smoke and are guaranteed their right to a smokefree environment. Final regulations have yet to be cleared by Parliament and the guidance is therefore subject to final parliamentary clearance.

What hotels/B & Bs are covered by the legislation?

The legislation covers all hotels and B&Bs. Designated smoking areas in public areas of enclosed places and in structures which are “substantially enclosed” will become illegal. This means that all public areas, e.g. reception, dining, drinking and waiting areas will be legally required to be smokefree.

What do ‘enclosed’ and ‘*substantially enclosed*’ mean?

Enclosed: the premises has a roof and is wholly enclosed by walls. It includes temporary structures such as tents and marquees.

Substantially enclosed: the structure has a roof and openings in the walls represent 50% or less of total wall area. This is called the ‘50% rule’. For more detailed information click onto www.smokefreeengland.co.uk

Must hotels/B&Bs have only smokefree bedrooms?

The smokefree legislation allows hotels to have designated bedrooms where smoking is allowed for guests who are staying there, but all other parts of the hotel must be smokefree. However, with 75% of the population being non-smokers, the demand for smokefree rooms will be high.

What will the legislation mean in practice?

It requires the hotel/B & B owner or manager to:

- Ensure all enclosed and substantially enclosed premises and vehicles used by more than one person are smokefree
- Display required ‘No-smoking’ signage at the public entrances, within the premises and in work vehicles. The required signage will be available free by registering at www.smokefreeengland.co.uk.
- Ensure bedrooms that are not smokefree are clearly signposted as “smoking rooms”, that their ventilation systems do not link into the smokefree areas and they have doors which closes mechanically to prevent smoke drift.
- Keep a list of rooms designated for smoking for inspection if requested by enforcement officers.
- Take reasonable steps to ensure that staff, visitors and members of the public are aware that the premises is legally required to be smokefree and that everyone complies with the law.

What about outdoor smoking areas for eating/drinking?

Here are some of the issues to consider in order to designate an outdoor drinking area for smoking:

- Check that your alcohol licence 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 for a cigarette.
- Drinking outside will generate noise and litter and may cause light pollution which might result in neighbours raising objections to the council.
- If you want to erect a structure outside, you need planning permission from the local council.

Do employers have to provide smoking breaks or outside smoking areas?

No on both counts. By law, employers must give staff an uninterrupted rest break of 20 minutes when their daily working time is more than six hours (staff under 18 are entitled to 30 minutes break after 4½ work). Staff can, of course, smoke during their rest period, if they choose, but they must not smoke in an enclosed or substantially enclosed area. As an employer you must decide whether or not to permit smoking elsewhere eg in open car parks, grounds, or shelters and you should indicate where smoking is allowed in your smoking policy.

My home is in the hotel/B & B. Does it have to be smokefree too?

No. The legislation does not cover private residential space. However any room of your home used as a workplace in which someone not living in the house comes into work or visit on work-related business will need to be smokefree and display “no-smoking” signage.

What are the penalties for non-compliance?

Responsibility for compliance rest with centre personnel accountable for complying with legislation:

- Failure to display required 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
- Failure to prevent smoking in an enclosed or substantially enclosed place: up to £2500.

What help is there for staff to stop smoking?

The NHS offers a wide range of excellent, free and easily accessible support for smokers including local NHS Stop Smoking Services, the Together Programme, the NHS Smoking Helpline - 0800 169 0169, and nicotine replacement therapy (NRT) on prescription. For details of stop smoking services in the East of England, visit www.smokefreeeast.co.uk

Where can I get signage and resources?

Log onto www.smokefreeengland.co.uk or phone the Smokefree England Information Line 0800 169 1697 and register for the latest updates, free signage and resources.