

## **Smokefree England 1 July 2007 - what it means for taxis/mini cabs**

A law requiring smokefree environments in workplaces, including vehicles used for public transport 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.

### **Are taxis/mini cabs covered by the legislation?**

Yes. The legislation covers all licensed vehicles such as taxis and mini cabs. Any commercial vehicle carrying members of the public will be required to be smokefree at all times.

### **What will the legislation mean in practice?**

It requires a manager to:

- Ensure all commercial vehicles used to transport members of the public are smokefree.
- Display required 'No-smoking' signage in a prominent position in all such vehicles. The sign should carry the international red "no smoking" symbol. Signage will be available free by registering at [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk).
- Take reasonable steps to ensure that employees and customers are aware that the vehicles used for public transport are legally required to be smokefree.

### **Can a taxi/mini cab driver smoke in their vehicles if they don't have any passengers?**

No. The legislation requires all vehicles used for public transport to be smokefree at all times. This is because tobacco smoke is absorbed into soft furnishings and stays around for weeks after a cigarette is stubbed out, releasing particles hazardous to health.

### **Can a taxi/mini cab driver smoke in their vehicle if they use it as their private car when off duty?**

No. Vehicles used for public transportation must be smokefree at all times.

### **Does the taxi/mini cabs office need to be smokefree?**

Yes. If it is used as a workplace by more than one person or if members of the public and employees visit the premises. The mandatory A5 "no smoking" signage will need to be displayed at main entrances of the premises.

## 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.

## 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](http://www.smokefreeeast.co.uk)

## Where can I get signage and resources?

Log onto [www.smokefreeengland.co.uk](http://www.smokefreeengland.co.uk) or phone the Smokefree England Information Line 0800 169 1697 and register for the latest updates, free signage and resources.