

Smokefree England 1 July 2007 - what it means for sports and leisure centres

A law requiring smokefree environments in workplaces, including sports and leisure centres, 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 centres are covered by the legislation?

The legislation covers all sports and leisure centres in public and private sectors. It means that indoor smoking areas and rooms and smoking in vehicles used by more than one person will no longer be allowed.

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

What will the legislation mean in practice?

It requires the person responsible for the management of the centre to:

- Ensure all enclosed and substantially enclosed premises and vehicles used by more than one person are smokefree
- Ensure that vehicles used by members of the public or a section of the public in the course of paid or voluntary work by more than one person must be smokefree, even if those people use the vehicle at different times or only intermittently.
- Display required 'No-smoking' signage at all public entrances and within the centre. The required signage will be available free by registering at www.smokefreeengland.co.uk.
- 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.

Does the legislation cover grounds?

The legislation does not include outdoor areas. However, centres may want to consider the lead taken by The Football League to ban smoking throughout stadium confines from July 2007. Centres may also consider making it a policy not to smoke a certain distance from entrances so that people do not have to walk through a cloud of smoke to get into the centre.

Do centres 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 on your premises eg in open car parks, grounds, or shelters and you should indicate where smoking is allowed in your smoking policy.

What should be included in a smokefree policy?

A successful policy does the following:

- Acknowledges the right of employees to work in a smokefree environment
- Consults with all those affected by the policy
- Identifies management and staff with responsibility for implementation of the policy
- Provides information for staff on help to quit smoking
- Communicated to all staff that it is illegal to smoke in enclosed and substantially enclosed premises
- Identifies outside areas for people who choose to smoke if appropriate
- Describes how to deal with non-compliance
- Indicates how it fits within the centre's existing health and safety and disciplinary policies.

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.