

# Frequently Asked Questions about the Smoke Free Legislation

## When did the legislation come into force?

The Smoke-free legislation came into force on 30th April 2007

## Why do we need smoke-free legislation?

The new law is intended to protect people from second-hand smoke. Second-hand smoke is breathing in other people's tobacco smoke.

Research has shown that, in non-smokers, exposure to second-hand smoke can increase the risk of:

- Lung cancer by 20-30%
- Heart disease by 25-35%
- Asthma by 40-60%
- Stroke by 80%

Second-hand tobacco smoke is a mixture of over 4,000 chemicals, around 60 of which are known or suspected to cause cancer.

## Why is ventilation not enough?

Ventilation may remove the smell of tobacco smoke but it does not eliminate all the cancer-causing particles and gases from the air. Just because the air is not visibly smoky does not mean it is safe.

You cannot comply with the law by providing ventilation.

## Who will be enforcing this legislation?

Your Council will be enforcing the legislation. You can contact the Environmental Health Department of Ballymena Borough Council for further information Tel 028 25 660300 [environmental.health@ballymena.gov.uk](mailto:environmental.health@ballymena.gov.uk)

## What will this mean to my business?

This will mean that smoking in enclosed or substantially enclosed workplaces (including work vehicles) and enclosed places to which the public have access will be against the law. The law will also require you to DISPLAY SIGNS at each entrance to smoke-free premises and in smoke free vehicles. A duty is also placed on the business to stop people smoking in smoke-free places and vehicles.

To help you comply with the legislation your local council recommends you:

- Inform and consult staff on the changes this law will mean to them.
- Introduce a smoke-free policy.
- Train staff on how to deal with breaches in the policy.
- Review your policy and update if necessary.

- Keep a written record of any breaches of the policy, including breaches by members of the public.

You will also need to consider litter, noise and liquor licensing issues, if staff or customers use external areas to smoke.

## **What does enclosed and substantially enclosed mean?**

In broad terms for a premises or structure to be considered as enclosed or substantially enclosed then it:

- Will have a ceiling or roof (includes awnings or other retractable structures e.g. umbrellas)
- and more than 50% of the perimeter of the premises/structure will be enclosed by walls,
- doors, windows, or structures that serve the purpose of walls, for example a dense
- hedge or solid fencing.

For examples of compliant shelters and how to work out whether an area is substantially enclosed or not, please see our downloadable guide.

## **If I intend to create an outside smoking area, what permissions do I need?**

You do not have to provide a smoking area. However, if erecting any structure such as a canopy, awning or shelter, or changing the use of land or a building, you should consult with Planning Service and Building Control. If you intend to use an area outside your premises, for example, a public footpath, you should consult with the Department of Regional Development - Roads Service. If you serve alcohol you should also check if your liquor licence allows drinking in that area.

## **Where can I get 'No Smoking' Signs?**

A guidance pack, which will include free No Smoking signs, is available to businesses from the Environmental Health Department of the Council.



## **What if I don't display No Smoking signs?**

The law will require you to display 'No smoking signs' at the entrances to your premises and in smoke free vehicles. Failure to display 'No Smoking' signs may result in a Fixed Penalty of up to £200 or possible prosecution with a maximum fine of £1000.

## **What will happen if I allow people to smoke in my premises?**

- The business owner, manager or person in control at the time of the offence may face prosecution and a possible fine of up to £2500.

People who are found to be smoking on your premises may receive a Fixed Penalty up to £50 or possible prosecution with a maximum fine of £1000.