



Smoke free legislation and church buildings (June 2012)

A Joint Stewardship and Church Growth Trust Briefing Paper

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1 Introduction

In England a ban on smoking in enclosed and substantially enclosed workplaces and public places came into force on 1 July 2007 (April 2007 in Wales). This will be relevant for all church premises and also for buildings used for coffee shops, cafes, crèches or other children's work. It will also apply to any workplace whether people are employed or volunteers.

2 Substantially enclosed

'Substantially enclosed' is defined as premises with a ceiling or roof unless more than half of the walled area is open to the outside (excluding windows and doors). Indoor designated smoking areas are no longer permitted and the legislation also applies to:

- Work vehicles that are used by more than one person;
- Private houses used solely for work purposes where it is used by more than one person who does not live at the premises.

3 Private Houses

Where private homes are work places the legislation is clear (see above). However where a home is used for meeting such as house/home groups the legislation is less than clear. In theory where a house is used for any meeting that is open to the public (ie advertised by the church for anyone to attend) it becomes a smoke-free area, although this may be confined to the areas used by the public, rather than the whole house. In practice the Smoke Free England advisors are stating that this is still a private house and would not normally expect to be smoke-free. To be sure you are not breaking the legislation you need to make enquiries through your local Council for a ruling on your specific situation.

4 Signage

You are required by the legislation to display a 'No Smoking' sign in a prominent position at or near each entrance to smoke-free premises, so that people entering the premises can see it. If your premises have more than one entrance used by employees, visitors or customers, you'll need to display more than one notice.

If you choose to personalise your own signs, be mindful of the following requirements that are set out in the regulations:

A 'No Smoking' sign must:

- Be flat and rectangular and at least 160mm by 230mm in size.
- Display the international 'No Smoking' symbol in red, at least 85mm in diameter.
- Contain the following statement: "It is against the law to smoke in these premises."

An example sign is shown in the appendix. Signs can be ordered from the Smokefree England information line on 0800 169 1697 or downloaded from www.smokefreeengland.co.uk/files/a5_sign_sf_premises.pdf. You can personalise your signs by changing the words 'these premises' to refer to the name or type of premises - such as 'this church building'.

Smaller signs are required for vehicles.

5 Fines

Local Council are responsible for enforcing the law. You may be liable for a fine if you do not display the correct signs (£200 or up to £1,000 if awarded by the Court) or if you fail to prevent smoking in your premises (up to £2,500 if awarded by the Court).

6 Taking Action if someone does smoke

The flow chart of suggested action is shown in the appendix.

7 Further Information

Further information is available at the Department of Health's Smokefree website

www.smokefreeengland.co.uk where a government guide to the new law can be viewed:

www.smokefreeengland.co.uk/files/everything_u_need_new_sf_law.pdf.

HOW TO DEAL WITH SMOKING IN A SMOKEFREE PLACE

If you are in charge of smokefree premises and/or vehicles, you will have a legal responsibility to prevent people from smoking in them. If someone does smoke in any premises or vehicles you are responsible for, here are some practical steps you might take to deal with them.



If physical violence is threatened by a person smoking, we suggest you notify and/or seek the assistance from the police.

