

Amendments table for the English and Welsh smoking ban

From 2nd April 2007 in Wales, and July 1st 2007 in England a smoking ban comes into effect in public places. A number of BIIAB qualifications are affected, as detailed in the tables below.

Qualifications affected:	Text to be added to the handbooks listed in the column on the left:
<p>National Certificate for Personal Licence Holders. Add to section 19, to become 19.7</p>	<p><u>Smoking and your premises</u></p> <p>a) On the 2nd April 2007 in Wales and 1st July 2007 in England the Health Act 2006 came into force, making it illegal to smoke in any wholly or substantially enclosed public place. This includes bars, hotels and all types of clubs, pubs, cafes and restaurants.</p> <p>b) Smoking is not permitted in any wholly or substantially enclosed public places including all licensed premises and members clubs.</p> <p>c) Failure to comply with the law is a criminal offence enforced by authorised officers within local authorities.</p> <ul style="list-style-type: none"> • Individuals who do smoke may be liable to a fixed penalty of £30 (rising to £50 if not paid within 15 days) for smoking in smoke free premises. In case of prosecution and conviction the maximum fine is £200 • The manager or person in control of any smoke free premises will be fined a fixed penalty of £200 for failing to display ‘No Smoking’ signs. In case of prosecution and conviction the maximum fine is £1,000 • The manager or any person in charge of any smoke free premises is liable to a fine of up to £2,500 for failing to prevent others from smoking in the premises. <p>d) It is a requirement by law to display “No Smoking” signs in all premises affected by the ban, so that they can be seen and read by people in the premises and approaching the premises.</p> <ul style="list-style-type: none"> • All premises should have as many notices as are required to ensure all patrons approaching, entering and remaining on the premises are in no doubt that smoking is prohibited there • No smoking signs should also be placed in the toilet • The signs must be obviously displayed and protected from tampering or damage, removal or concealment. <p>e) In England a “No Smoking sign must:</p> <ul style="list-style-type: none"> • Be of A5 size • Display the “No Smoking” symbol, which consists solely of a graphic representation of a single burning cigarette
<p>Designated Premises Supervisors Section 5.8 P 52</p>	
<p>ILRO Unit 4, Section 8 Pg 13</p>	
<p>National certificate for Licensing Practitioners. Added as a complete new section – to become Section 13</p>	

	<p>enclosed in a red circle of at least 70 millimetres in diameter with a red bar across it</p> <ul style="list-style-type: none"> • Contains characters that can be easily read, with the words: “No smoking, it is against the law to smoke on these premises”. <p>f) In Wales a “No Smoking” sign must:</p> <ul style="list-style-type: none"> • Be flat and rectangular and at least 160 millimetres by 230 millimetres • Contain a graphic representation of a burning cigarette enclosed in a red circle at least 85 millimetres in diameter, with a red bar across the circle which crosses the cigarette symbol • Contain the following words – “Mae ysmygu yn y fangre hon yn erbyn y gyfraith/ It is against the law to smoke on these premises.” <p>g) If someone is breaking the law it is advisable to:</p> <ul style="list-style-type: none"> • Approach the person and draw their attention to the “No Smoking” signs and politely ask them to stop smoking • Advise the person that it is an offence for you (as the owner, manager etc) to let anyone smoke. You should also advise them that they are committing an offence by smoking in a smoke free premises • Explain that staff will refuse to serve the customer if they continue to smoke • If the customer refuses to stop smoking, ask them to leave the premises, and where relevant inform them of where they can smoke • If they refuse to leave, implement the normal procedure for anti social or illegal behaviour on the premises • If threatened seek assistance from the police. Do not put yourself in any danger. <p>h) It may be advisable to issue staff with small lidded containers that can be half filled with water. Staff can carry one of these when approaching customers that are smoking and ask them to extinguish their cigarettes into the container. It is not however advisable to leave these containers around the premises, as it could be considered they are being used as ashtrays.</p> <p>i) It is the responsibility of the Designated Premises Supervisor</p>
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	<p>and all door staff employed to ensure that any customers using the outside area to smoke are orderly and quiet and do not cause disturbance to local residents.</p> <ul style="list-style-type: none">• Customers using the outside areas to smoke must not drink alcohol in areas where this would be in breach of local by-laws. <p>j) A shelter can be erected outside the premises that is no less than 50% enclosed, if you have appropriate licensing board consent, and planning permission.</p> <ul style="list-style-type: none">• No shelter can be erected before the required permissions are obtained and it is recommended that advice from a solicitor and an architect is sought. <p>More information on the smoking ban can be found at www.smokefreeengland.co.uk or www.smokingbanwales.co.uk</p>
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Qualifications affected:	Text to be added to the handbooks listed in the column on the left:
<p>ARAR Add a new section in section 4- Your social responsibilities. 4.4 Smoking and your premises</p>	<p>a) On the 2nd April 2007 in Wales and 1st July 2007 in England the Health Act 2006 came into force, making it illegal to smoke in any wholly or substantially enclosed public place. This includes bars, hotels and all types of clubs cafes and restaurants.</p> <p>b) Proprietors cannot permit customers or members to smoke in these premises. If they do they will be liable to a fixed penalty fine of £2,500.</p> <p>c) Individuals may be fined a fixed penalty of £30 (rising to £50 if not paid within 15 days) for smoking in non smoking premises.</p> <p>d) It is a requirement by law to display “No Smoking” signs in all premises affected by the ban, so that they can be seen and read by people in the premises and approaching the premises.</p> <ul style="list-style-type: none"> • All premises should have as many notices as are required to ensure all patrons approaching, entering and remaining on the premises are in no doubt that smoking is prohibited there • No smoking signs should also be placed in the toilets • The signs must be obviously displayed and protected from tampering or damage, removal or concealment. <p>e) In England a “No Smoking sign must:</p> <ul style="list-style-type: none"> • Be of A5 size • Display the “No Smoking” symbol, which consists solely of a graphic representation of a single burning cigarette enclosed in a red circle of at least 70 millimetres in diameter with a red bar across it • Contains characters that can be easily read the words: “No smoking, it is against the law to smoke on these premises”. <p>f) In Wales a “No Smoking” sign must:</p> <ul style="list-style-type: none"> • Be flat and rectangular and at least 160 millimetres by 230 millimetres • Contain a graphic representation of a burning cigarette enclosed in a red circle at least 85 millimetres in diameter, with a red bar across the circle which crosses the cigarette symbol • Contain the following words – “Mae ysmygu yn y fangre hon
<p>Door Supervisors Section 6 - the law in relation to licensing to become section 6.1.11.</p>	

yn erbyn y gyfraith/ It is against the law to smoke on these premises.”

g) The changes in the law with regard to smoking may displease some of your customers. You have the duty not to allow smoking, however this should be done tactfully, so not to provoke any conflict.

h) If someone is breaking the law it is advisable to:

- Approach the person and draw their attention to the “No Smoking” signs, politely ask them to stop smoking
- Advise the person that it is an offence for you (as a member of staff) to let anyone smoke. You should also advise them that they are committing an offence by smoking in a smoke free premises
- Explain that staff will refuse to serve the customer if they continue to smoke
- If the customer refuses to stop smoking, ask them to leave the premises, and where relevant inform them of where they can smoke
- If they refuse to leave, implement the normal procedure for anti social or illegal behaviour on the premises.
- If threatened seek assistance from the police. Do not put yourself in any danger.