

Advice for Businesses on What To Do if Someone Ignores the Smoking Ban



We realise that it may be difficult in the early stages to implement the smoking ban, particularly where customers have been used to smoking in the past. You should plan ahead so that you are ready on 1 July 2007.

Management Controls

It is recommended that those in control of smoke-free premises:

1. Develop a smoke-free policy, (preferably written);
2. Develop procedures for dealing with any people who smoke (preferably written);
3. Communicate with staff to ensure they understand both the policy and written procedures;
4. Keep a written record of any incident (and outcome) where a member of staff raises the issue with an individual(s) smoking on the premises.

Dealing with people who ignore the smoking ban

It is strongly recommended that owners and managers establish and implement a written policy and procedures to demonstrate their compliance with the law. The procedures for dealing with someone who ignores the smoking ban should contain items similar to the following:

- Draw the person's attention to the "No Smoking" signs and inform them that he/she is committing an offence by smoking. Politely ask them to stop smoking;
- Direct them to the nearest place where they are able to smoke legally, e.g. a shelter or outside area if you have one;
- Advise the person smoking that their actions could result in the person in control of the premises receiving a Fixed Penalty Notice of £200 or being prosecuted and receiving a fine of £2,500;
- Refuse the person service;
- If the person continues to smoke, ask them to leave the premises;
- If he/she refuses, implement normal procedures for anti-social/illegal behaviour on the premises;
- Maintain a written record of all such incidents and outcomes.
- If the person becomes verbally or physically abusive, notify and/or seek assistance from the Police.

The policy should identify members of management and/or staff who have responsibility for its implementation and review.

Experience gained in Scotland which went smoke-free in 2006, shows that it is helpful if customers know who they should ask to speak to, if they have complaints about someone who is smoking where they should not be. Suggested wording that could be displayed with a no-smoking sign:

**If you observe someone smoking here, a complaint may be made to:
e.g. A. Smith (Hotel Manger)**

For the latest smoke-free information from the Council visit our website at: www.breckland.gov.uk.

E-mail your enquiries to: healthandsafety@breckland.gov.uk

To speak to an officer, or to arrange an advisory visit telephone: 01362 656870.

For further information you can visit the Smoke-Free England website at www.smokefreeengland.co.uk

Note: This guidance was agreed by representatives of the seven Norfolk Local Authorities in March 2007 and will be regularly reviewed in light of changes to legislation, unforeseen implications of the introduction of the smoking ban etc.

This guidance was produced whilst the Regulations were in draft form so you should also consider taking your own legal advice.