

Smokefree England National Stakeholder Conference

Summary of issues raised during the Q&A session

How has the legislation affected licensed premises in Scotland and Ireland?

Various speakers from Ireland agreed that while some establishments have suffered since the implementation of the legislation, this was primarily a symptom of a pre-existing trend of decline. Other socio-economic factors have included cheap supermarket alcohol, high levels of indebtedness and high levels of excise duty. There have also been widely recognised changes in lifestyles including people generally drinking less alcohol, and the increasing popularity of wine over beer. The legislation did have a short-term role in contributing to ongoing trends for some types of business, but in the long term, that effect has been minimal.

The picture has been similar in Scotland. Other factors including rising property values have motivated some small pubs to cease trading and sell up.

What specific issues exist for employers during implementation in terms of staff management?

It is vital for employers to communicate to their staff the key message – that smoking in public places and work places will be against the law. It was also suggested that it is important for employers to take a supportive approach to the introduction of smokefree legislation in their workplaces and have clear policies in place on how the legislation will be implemented. Similarly, disciplinary procedures should be in place for those who fail to comply with the new law.

It was stated that employers should consult with staff and involve them with any policy or contractual decisions that are made with regard to introducing the legislation. In addition, it was felt that if staff are made part of the decision making process they will be more inclined to abide by the outcome.

Can staff leave buildings for smoking breaks?

In response to a query as to whether businesses have a right to forbid staff from leaving the building to smoke, an example was cited from the floor where in Scotland a supermarket did not allow their staff to leave their premises at night to smoke.

In answer to a question about the potential effect on productivity of employees leaving work premises to smoke, a Department of Health official pointed out that many businesses in England are already smokefree. Employers will continue to have responsibilities under health and safety at work laws to ensure a safe work environment, including in non-enclosed areas where people might smoke in the future.

Supporting staff to quit

It was also suggested that employers might consider offering support to their staff who wish to stop smoking. Lessons can be learnt from good practice that already exists in Scotland and Ireland. Employers could also consider carrying out a staff survey to see how many smokers they had and what type of support they would prefer.

Compliance issues

How will the legislation be enforced?

A number of speakers commended a sensible, supportive, non-confrontational approach to enforcement. The NHS, the Football League and Liverpool Street station were all cited as examples where smokefree measures have been successfully introduced without the back-up of legislation.

Although national training provided by DH and CIEH would help provide consistency of approach for enforcement building, local authorities must be responsible for ongoing training of EHO officers in relation to the legislation and, where appropriate, making them aware of the different regulations in Wales, Scotland and Ireland.

Employers were also advised to ensure that new members of staff are aware of their responsibilities under the legislation.

National enforcement guidance for local authorities

The guidance for local authorities being produced by LACORS will help to build a consistent and co-ordinated approach to compliance building and enforcement of smokefree legislation across England.

The panel urged that a commonsense approach be adopted by all businesses, as guidance cannot cover off every possible eventuality.

The panel gave assurance that there will be a consistent level of rigour of enforcement across all local authorities and said that a common sense approach will be encouraged by all parties.

What about areas such as railway platforms where it may be difficult to distinguish between areas where smoking can take place and those where it would be illegal?

In answer to a question of what would happen if it were difficult to distinguish whether a space is compliant or not, it was suggested that in such cases it might be easier for the business to go totally smokefree.

How is the communications campaign drawing on the experience of businesses that are already smokefree?

A speaker from Smokefree England said that the campaign already has a comprehensive database of case studies of places that have had a positive experience of going smokefree early. These case studies are featured on the website and will take part in media activity going forward, and he invited delegates to forward other possible case studies to the campaign.

Will the campaign represent all businesses sectors not just licensed venues?

It was made clear that the Smokefree England campaign will emphasise the benefits and effects of the legislation on all businesses, and will not focus on the leisure and hospitality industry or on the pub industry as the new law applies to all businesses.

Premises and vehicles

Noise and Litter

The panel advised that it is up to individual businesses to put in place adequate measures to deal with issues that could result from the legislation, such as noise and litter. Representatives from Scotland and Ireland remarked that issues of noise and litter had not materialised to any significant level to their knowledge.

Signage

The Department of Health will make freely available no-smoking signs that meet the requirements of the new law, and small quantities of additional signs will be available to order from the Smokefree England information line. It was felt that pre-existing signage on public transport is likely already to comply with the requirements of the new law.

Mental health units

In response to a question about why mental health units have been given until 2008 to comply with the legislation, it was pointed out that initially it had been proposed that they be given an indefinite exemption, so it is only fair that they are now given sufficient time to prepare.