

SmokeFree Coventry

Achieving a Smoke Free Workplace

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www.smokefreecoventry.org.uk

Penalties

What is the Government's attitude towards the enforcement of smokefree legislation?

The Government's intention is to create a supportive environment where people are encouraged to comply with the new law. Experience in other countries that have implemented smokefree legislation shows that compliance builds very quickly after implementation.

The approach to enforcement will be non-confrontational, focused on raising awareness and understanding to ensure compliance, and enforcement officers will work closely with local businesses to build compliance through education, advice and support. We expect that enforcement action will be considered only when efforts to encourage compliance have failed.

Funding has been provided to local authorities to support them in their new enforcement roles.

Each local council will identify enforcement officers, e.g. Environmental Health Officers, who will be authorised to issue the following penalties. The final penalty amount will be decided by a court rather than the local authority.

The Government has proposed the following penalties and fines for the smokefree offences set out in the Health Act 2006:

- **Smoking in a smoke-free premises or vehicle:**

a fixed penalty notice of £50 (discounted to £30 if paid within 15 days from the issue of a notice) or a fine not exceeding level 1 on the standard scale (up to £200).

- **Failure to display no smoking signs in smokefree premises and vehicles as required by smokefree legislation:**

a fixed penalty notice of £200 (discounted to £150 if paid within 15 days from the issue of a notice) or a fine not exceeding level 3 on the standard scale (up to £1000).

- **Failing to prevent smoking in a smokefree premises or vehicle:**

a fine not exceeding level 4 on the standard scale (up to £2500) would be decided by a court, as a result of a prosecution by the local authority.

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How will these penalties be issued?

Coventry City Council is not employing separate "Smoking Enforcement" staff. Officers who normally visit businesses in the City for Food Safety, Health and Safety or Licensing visits, will give advice and enforce the legislation alongside their normal activities.

Fixed penalty notices may be issued where offences are noted and any prosecutions would be agreed by the City Council Licensing and Regulatory Committee.

If you have any questions about enforcement, please contact:

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