

Guidance On Smoking Shelters And Premises





INTRODUCTION

Value products are a one stop shop providing a full range of outdoor shelters and cigarette bins at the lowest prices. We offer an extensive product range at the lowest prices, and believe our customers should be able to make an informed decision on their choice of shelter.

We have put together this document to help you and go over the issues that businesses will need to be aware of when thinking about designing/installing a smoking shelter. It will also give advice on compliance with the law*.

When considering installing a smoking shelter, we would advise you firstly make contact the local authority before starting anything. This is to ensure that the shelter will meet building, health & safety, environmental and planning legislation.

WHAT DO WE MEAN BY SMOKING SHELTER?

A smoking structure is any area under a roof or ceiling, it does not have to be a structure with walls and could simply be the area under a canopy or porch.

LEGAL CONSIDERATIONS

There are some legal considerations to take into account and comply with when planning to install a smoking area/shelter. These laws stand in place to make sure that your visitors and employees health and safety is not put at any kind of risk from these installations.

You must also be sure that the smoking shelter/area is not going to be causing an annoyance to nearby businesses and domestic residences.

Note: These laws do not apply to electronic cigarettes, it is up to the owner of a business to decide whether they will allow the use of these on their premises.

SMOKEFREE LEGISLATION

The **Health Act 2006** prohibits the smoking of tobacco or anything which contains tobacco, or having any other lit substance in a form that it could be smoked in an enclosed or a substantially enclosed area of essentially all public and work places that employ more than one member of staff.

* This guide is to be treated for informational purposes only, the content has been obtained from certified sources thought to be correct at time of publishing. NBB Ltd will not be held accountable as information is subject to change, and can also differ between local authorities.



WHAT DO THEY MEAN BY ENCLOSED AND SUBSTANTIALLY ENCLOSED?

To comply with not being substantially enclosed and to allow smoking, at least 50% of the perimeter under a roof or ceiling must be space. For example If the structure was the four walls of a box only two sides can be covered, or alternatively half of the side can be left open.

Enclosed: Any premises' will be labelled as enclosed if they have a ceiling, roof, doors, windows or any passage way that is completely enclosed, whether on a temporary or a permanent basis. **This includes tents and marquees** as well as solid structures.

Substantially enclosed: A premises is considered to be substantially enclosed if it has a ceiling or roof, but with openings in the walls with an area of less than half of the perimeter. This is more commonly known as the **50% Rule**. Any other structures that serve as walls and create the perimeter of the premises should also be seen as part of the enclosed area. With regards to doors, windows or other features that can be opened or shut. These also must be counted as a part of the enclosed area too, this is **stated in the legislation**.



CHOOSING WHERE TO POSITION YOUR SMOKING SHELTER:

THE 1.5M RULE

THINGS YOU MIGHT WANT TO CONSIDER WHEN POSITIONING YOUR SHELTER:

- Avoid areas where secondhand smoke could drift into any buildings/ occupied areas
- Do not locate a shelter where noise pollution could be an issue
- You should be careful to position the shelter where it is not overlooking other buildings which it would be undesired to do so
- Consider health and safety implications- ensure that there is safe access and exit from your smoking shelter. Also you must ensure that you have agreed fire arrangements that cover the use of the smoking shelter.
- Place in a visible area where the shelter is easily identified
- The structure should be placed in a location which is easily accessible to everyone



EQUAL ACCESS

When designing a smoking shelter, you must be sure that it is accessible to all employees, customers and visitors despite any disabilities people may have. This design must accommodate wheelchair users and be suitable for people with visual and hearing impairments. This is part of the Disability Discrimination Act.

THINGS TO BE CONSIDERED:

- Step edges highlighted with a bright coloured paint.
- Safety and information signs in a large print.
- The signs to be positioned so that everyone can notice them.





THE CALCULATION

HOW DO I KNOW THAT THE SHELTER IS 50% OPEN AND MEETS THE SMOKEFREE LEGISLATION?

Anyone thinking of purchasing and installing a smoking shelter/area must calculate the percentage of the area that is open and what percentage is enclosed, in order to make sure that it complies with the SmokeFree legislation.

The calculation is as follows:

1. Measure the area of the whole perimeter of your smoking shelter/area beneath the roof/ceiling. Do not include the area of the roof or floor in this calculation.
2. Next measure the area of every enclosed part of the perimeter of the shelter/area. This could be walls or any other structures that serve the same purpose. Again with this calculation do not include the area of the roof or floor, but do include the area of all doors and windows as these are always counted as enclosed parts. This calculation will be part of the enclosed area of the smoking shelter.

3. Finally divide the enclosed area (E) by the perimeter area (P) and times by 100, as shown in the equation below.

If your smoking area/shelter is more than 50% enclosed then it **does not** comply with SmokeFree legislation and **smoking cannot be permitted**.



$$\frac{E}{P} \times 100 = \% \text{ Enclosed}$$

BENEFITS OF HAVING A DESIGNATED SMOKING AREA:

Although it is not a legal requirement there are many added benefits for providing a smoking shelter:

- A designated smoking area keeps all smokers in one place, it prevents people congregating in entrances or other undesirable locations
- Having a shelter and accompanying cigarette bin significantly helps reduce cigarette litter
- They offer smokers protection from bad weather conditions
- Providing a smoking shelter boosts morale, it shows the employees that you care about their needs and in turn makes them more engaged in the business overall



CHOOSING YOUR ASHTRAY

The Clean Neighbourhoods and Environment Act 2005 in England and Wales imposes a fixed £75 fine for dropping litter. Cigarette waste is the same as any other waste in terms of litter laws and you can be issued with a Fixed Penalty Notice for not disposing of cigarette litter in the correct way.

So, when installing a smoking shelter, it is important to think about the butts that people will drop after smoking. Therefore, every smoking shelter must be equipped with an ashtray suitable for outdoor use and signs should be displayed notifying people to use it.

At Shelters4Less we have an extensive range of cigarette bins with a choice of either wall attached or freestanding variants. The range includes our wall attached Original No Butts Cigarette Bin with patented fire prevention baffle design system, and our popular freestanding Smokers Ceasefire with 15 litre capacity.



Original No Butts Bin



Smokers Ceasefire



Black

Grey



Emptying the bin

CHOOSING YOUR SIGNS

The Smoke Free legislation requires anyone that is installing a smoking shelter, or any other type of Smoke Free premises to display at least one no-smoking sign within the premises. It also states that the responsible person can decide the size, design, content and location of the sign. However, because of the Disability Discrimination Act, these signs must be positioned so that everyone is able to see them.



ACKNOWLEDGEMENT

Please note that the shelters featured in this document are only examples of types of structures available, you can find our full range of compliant shelters under the smoking shelters category on our website.

APPENDIX

www.gov.uk/government/uploads/system/uploads/attachment_data/file/534586/PHE-advice-on-use-of-e-cigarettes-in-public-places-and-workplaces.PDF

www.gov.uk/government/news/vaping-in-public-places-advice-for-employers-and-organisations
<http://www.legislation.gov.uk/ukxi/2006/3368/contents/made>

www.legislation.gov.uk/asp/2016/3/contents

www.smokefreeengland.co.uk/what-do-i-do/quick-guide/

Information stated in this leaflet has been obtained from certified sources and is known to be correct as of September 2017. If you are considering a smoking area Shelters4Less strongly advise you seek guidance from your local authority, we cannot accept liability if information in this leaflet is misconstrued in anyway.