



Advice for businesses on what to do if someone ignores the smoking ban

Management Controls

It is recommended that those in control of no-smoking premises:

1. Develop a smoke-free policy, (preferably written).
2. Develop a procedure for dealing with any people who smoke (preferably written).
3. Communicate to staff in both the policy and written procedure.
4. Keep a written record of any incident (and outcome) where a member of staff confronts an individual for 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 in the area 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.
- 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 physical violence is threatened by the person smoking, 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 complaint 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 **Smokefree** information from the Council visit the our website at <http://www.south-norfolk.gov.uk/business/2456.asp>

To speak to an officer, or to arrange an advisory visit telephone 01508 533714

Log onto the Smokefree England website at www.smokefreeengland.co.uk for information about going smoke-free or telephone 0800 1691697

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