

# Smokefree - What it means for working men's clubs

The law requires smokefree environments in workplaces in England - including working men's clubs. The legislation ensures that workers and members of the public are protected from the risks to health from tobacco smoke and are guaranteed their right to a smokefree environment.

## What working men's clubs are covered by the legislation?

The legislation covers all working men's clubs and includes private members clubs, social and sports clubs. Designated smoking areas in enclosed areas and in structures which are 'substantially enclosed' will be illegal.

## What do 'enclosed' and '*substantially enclosed*' mean?

**Enclosed:** the premises has a ceiling or roof and is wholly enclosed, whether on a permanent or temporary basis, e.g. tents and marquees.

**Substantially enclosed:** the structure has a ceiling or roof and there are openings in the walls which are less than half the perimeter of the walls. This is called the '50% rule'.

## What does the legislation mean in practice?

It requires the person responsible for the management of the club to:

- Ensure all enclosed and substantially enclosed premises are smokefree
- Display 'No-smoking' signage.
- Take reasonable steps to ensure that staff and members are aware that the premises is legally required to be smokefree and that everyone abides by the law.

## What about accommodation?

Member's clubs which provide overnight accommodation may designate *bedrooms* where smoking is allowed for guests or members who are staying there, but all other parts of the premises must be smokefree.

Designated rooms must be signposted as 'smoking rooms', their ventilation systems should not link into the smokefree areas and doors should be closed mechanically.

## What about outdoor smoking areas?

The legislation does not cover outdoor spaces. However the members may consider making it a policy not to smoke a certain distance from entrances so that people do not have to walk through a cloud of smoke to get into the club.

## What about drinking and smoking outside?

If you are considering making an outdoor area for smoking where members can take their drinks, here are some of the issues to consider:

- See if your alcohol licence extends to outside areas. If not, you will need to apply to the local council.
- If the outdoor area is licensed, check the permitted hours. If the outdoor area has an earlier closing time than the bar, customers cannot take their drink with them after the permitted time when going out for a cigarette.
- Drinking outside will generate noise and litter and may also cause light pollution, which might result in neighbours raising objections to the council.
- If you want to erect a structure where people can smoke and drink, such as a portico, awning or covered terrace with floodlighting, you will need planning permission from the local council.

## Do employers have to provide smoking breaks or outside smoking areas?

No on both counts. By law, employers must give staff an uninterrupted rest break of 20 minutes when their daily working time is more than six hours. (For staff under 18 this is one half hour break after four and a half hours).

Staff can, of course, smoke during their rest period, if they choose-but they must not smoke in an enclosed or substantially enclosed area.

As an employer you must decide whether or not to permit smoking elsewhere on your premises e.g. in open car parks, grounds, or shelters and you should indicate where smoking is allowed in your smoking policy.