

ALMR MATTERS

SMOKING BAN – EXEMPTIONS

Earlier this year, the Government finally tabled the draft regulations to bring in the smoking ban at 6am on Sunday 1 July 2007. Recent e-zines have set out tips and advice on planning for the ban in relation to [external areas](#) and [workplaces](#). However, there are certain areas within the licensed retail estate where it will remain legal to smoke. This edition focuses on exemptions from the general ban on smoking for private accommodation, guest bedrooms and some vehicles.

- **Private Accommodation:** the ban does not apply to private accommodation, even company owned property provided as part of the job. In terms of traditional pub accommodation, tenants and managers would be free to smoke in any wholly residential area, but not in communal areas such as stairways between the flat and the bar.

However, if any room within the flat was used solely for work purposes by more than one person who does not live there, then that room will be classified as a work place and must be designated as smoke-free. In most cases, this will only apply to dedicated offices and the pub office will seldom be located within the residential area. The key test is the use to which the room is put and its use by people other than those living there. If a manager or tenant decides to turn a bedroom within the flat into a home-office for their own use, they will be free to smoke there provided no other members of staff use it for work purposes. In this instance, cleaning does not count as work.

- **Guest accommodation:** The exemption for private accommodation also applies to self-contained residential accommodation for temporary or holiday use. In addition, you will be able to designate guest bedrooms as smoking rooms providing they have mechanical door closers and do not ventilate into other parts of the property. The rooms must be permanently designated in writing and should be clearly marked as smoking rooms. This exemption only applies to bedrooms, it does not extend to guest lounges. In addition, it does not apply to dormitories or other rooms which may be shared.
- **Company vehicles:** cars and other vehicles which are used by more than one person will be required to be smoke free. The key test is whether the vehicle is shared with another driver or person paid to work in enclosed vehicles eg a pool car or delivery vehicle. However, cars provided by the company for sole use or primarily for private purposes will not be covered by the ban, even if another person travels in them.

In respect of convertible cars, they will only be covered by the ban when the roof is in place and is in use. If the roof is stowed away, then a person can smoke in the car even if it is shared with another driver or would otherwise be covered by the ban.

Smoke free cars must display a no-smoking sign and it will be an offence for the driver or individual with management responsibility for the vehicle to allow smoking within it.

The Government has undertaken to provide detailed advice and Guidance to businesses on these and other provisions by Easter. Register at www.smokefreeengland.co.uk for further information.

For news and information on these and other issues – together with details of forthcoming events – visit our website www.almr.org.uk

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