

## SMOKEFREE LEGISLATION COMPLIANCE DATA

### Report covering January to June 2009 (Period 11)

This report summarises the findings of the 11th smokefree legislation compliance data collection from enforcement authorities in England. The Department of Health originally commissioned the Local Government Association (LGA) to collect these data regularly from local authorities and port health authorities from July 2007 to July 2008. This return is the second of a new set of four six-monthly collections. (The full timetable can be found on the LGA's website at: [www.lga.gov.uk/lga/core/page.do?pagelId=1095237](http://www.lga.gov.uk/lga/core/page.do?pagelId=1095237).)

In total, responses were received from 237 local authorities (73%), the data from which also covered 37 port health authorities. In addition, 5 port health authorities provided separate returns. Full details of response by region, as well as additional notes, can be found in the accompanying Technical Annex. The tables below are based on all 242 responses and are ungrossed. (Note: the actual number of respondents to each question may differ slightly from the overall total as some authorities were unable to answer all questions; the total number of local authorities fell from 353 to 326 wef 1 April 2009 due to local government re-organisation; and, due to a number of authorities supplying or amending retrospective data, cumulative figures may not tally with those shown in the previous report.)

Tables in this report show activity during the period **1 January to 30 June 2009** and cumulative figures from 1 July 2007. Inspections are defined as both multi-purpose and solely smokefree inspections.

### Overall compliance

Enforcement authorities inspected a total of 76,196 premises and vehicles during January–June 2009, of which 98.7% were compliant in terms of no smoking (defined as no evidence of management knowingly permitting smoking). The compliance rate varied between 97.9% in the East of England and 99.3% in the East Midlands and the South East.

Overall, 96.8% of premises and vehicles were compliant in terms of signage (defined as the required no-smoking signage being displayed prominently), varying between 94.4% in London and 98.2% in the South East.

January to June 2009					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	Percentage	Number	Percentage
East Midlands	8,171	8,116	99.3%	7,814	95.6%
East of England	7,742	7,581	97.9%	7,454	96.3%
London	9,159	9,089	99.2%	8,642	94.4%
North East	4,124	4,050	98.2%	4,028	97.7%
North West	14,549	14,314	98.4%	14,233	97.8%
South East	12,385	12,302	99.3%	12,167	98.2%
South West	6,536	6,460	98.8%	6,308	96.5%
West Midlands	7,304	7,171	98.2%	7,070	96.8%
Yorkshire & Humberside	6,226	6,136	98.6%	6,075	97.6%
England	76,196	75,219	98.7%	73,791	96.8%

Base: all respondent local authorities and port health authorities (238).

In the first two years of the legislation, authorities inspected a total of 666,351 premises and vehicles. (Note: this could include multiple inspections of the same premises/vehicle.) The overall compliance rates were 98.2% (no smoking) and 90.0% (signage).

July 2007 to June 2009 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	Percentage	Number	Percentage
East Midlands	60,337	59,351	98.4%	54,555	90.4%
East of England	77,811	76,105	97.8%	69,304	89.1%
London	91,890	90,056	98.0%	81,245	88.4%
North East	38,041	37,513	98.6%	35,967	94.5%
North West	116,236	113,891	98.0%	107,910	92.8%
South East	95,286	94,062	98.7%	85,805	90.0%
South West	68,592	67,253	98.0%	59,969	87.4%
West Midlands	54,861	54,099	98.6%	49,332	89.9%
Yorkshire & Humberside	63,297	61,969	97.9%	55,943	88.4%
England	666,351	654,299	98.2%	600,030	90.0%

Base: all respondent local authorities and port health authorities (334).

## Premises compliance

Enforcement authorities inspected 62,904 premises in January–June 2009, of which 98.9% were compliant in terms of no smoking. There was little variation by type of premises.

Overall, 96.7% of premises were compliant in terms of signage.

January to June 2009					
Type of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	Percentage	Number	Percentage
Accommodation	1,540	1,524	99.0%	1,487	96.6%
Restaurants	5,637	5,564	98.7%	5,501	97.6%
Other licensed	5,802	5,665	97.6%	5,649	97.4%
Other	22,255	21,911	98.5%	21,367	96.0%
Not specified*	27,670	27,551	99.6%	26,853	97.0%
Total	62,904	62,215	98.9%	60,857	96.7%

Base: all respondent local authorities and port health authorities (238).

\*94 authorities were unable to provide a breakdown by premises type.

In the first two years of the legislation, authorities inspected a total of 560,829 premises. (Note: this could include multiple inspections of the same premises.) The overall compliance rates were 98.2% (no smoking) and 89.4% (signage). Around three-quarters of premises visited were classed as 'other' (excluding those for which information was not given), which includes workplaces, manufacturers, takeaways and care establishments.

July 2007 to June 2009 (cumulative)					
Type of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	Percentage	Number	Percentage
Accommodation	13,478	13,112	97.3%	12,252	90.9%
Restaurants	45,602	44,849	98.3%	42,264	92.7%
Other licensed	59,111	57,475	97.2%	55,766	94.3%
Other	309,857	303,989	98.1%	270,076	87.2%
Not specified*	132,781	131,274	98.9%	121,265	91.3%
Total	560,829	550,699	98.2%	501,623	89.4%

Base: all respondent local authorities and port health authorities (334).

### Regional variation in premises compliance

There was little regional variation in the no-smoking compliance rate in January–June 2009: it varied between 98.1% in the West Midlands and 99.6% in the South East.

There was slightly more variation in the signage compliance rate in January–June 2009: it varied between 94.4% in London and 98.2% in the South East.

January to June 2009					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	Percentage	Number	Percentage
East Midlands	6,515	6,475	99.4%	6,235	95.7%
East of England	6,153	6,053	98.4%	5,900	95.9%
London	9,127	9,061	99.3%	8,613	94.4%
North East	3,878	3,844	99.1%	3,788	97.7%
North West	10,484	10,350	98.7%	10,276	98.0%
South East	9,028	8,988	99.6%	8,869	98.2%
South West	5,606	5,542	98.9%	5,397	96.3%
West Midlands	6,607	6,482	98.1%	6,391	96.7%
Yorkshire & Humberside	5,506	5,420	98.4%	5,388	97.9%
England	62,904	62,215	98.9%	60,857	96.7%

Base: all respondent local authorities and port health authorities (238).

July 2007 to June 2009 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	Percentage	Number	Percentage
East Midlands	48,245	47,454	98.4%	43,316	89.8%
East of England	61,460	60,107	97.8%	54,055	88.0%
London	89,824	88,061	98.0%	79,507	88.5%
North East	32,360	31,980	98.8%	30,429	94.0%
North West	94,900	92,956	98.0%	87,664	92.4%
South East	74,836	73,895	98.7%	66,142	88.4%
South West	60,605	59,478	98.1%	52,925	87.3%
West Midlands	47,165	46,490	98.6%	42,070	89.2%
Yorkshire & Humberside	51,434	50,278	97.8%	45,516	88.5%
England	560,829	550,699	98.2%	501,624	89.4%

Base: all respondent local authorities and port health authorities (334).

## Vehicle compliance

Enforcement authorities inspected 13,292 vehicles (for example, taxis, private hire vehicles, coaches and buses) in January–June 2009. The overall compliance rate for no smoking was 97.8%, marginally lower than that of premises, varying between 83.7% in the North East and 99.4% in Yorkshire and Humberside.

The overall signage compliance rate in January–June 2009 was 97.3%, slightly higher than that of premises, varying between 90.6% in London and 98.2% in the South East.

January to June 2009					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	Percentage	Number	Percentage
East Midlands	1,656	1,641	99.1%	1,579	95.4%
East of England	1,589	1,528	96.2%	1,554	97.8%
London	32	28	87.5%	29	90.6%
North East	246	206	83.7%	240	97.6%
North West	4,065	3,964	97.5%	3,957	97.3%
South East	3,357	3,314	98.7%	3,298	98.2%
South West	930	918	98.7%	911	98.0%
West Midlands	697	689	98.9%	679	97.4%
Yorkshire & Humberside	720	716	99.4%	687	95.4%
England	13,292	13,004	97.8%	12,934	97.3%

Base: all respondent local authorities and port health authorities (220).

In the first two years of the legislation, authorities inspected a total of 105,522 vehicles. (Note: this could include multiple inspections of the same vehicle.) The overall compliance rates were 98.2% (no smoking) and 93.3% (signage).

July 2007 to June 2009 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	Percentage	Number	Percentage
East Midlands	12,092	11,897	98.4%	11,239	92.9%
East of England	16,351	15,998	97.8%	15,249	93.3%
London	2,066	1,995	96.6%	1,738	84.1%
North East	5,681	5,533	97.4%	5,538	97.5%
North West	21,336	20,935	98.1%	20,246	94.9%
South East	20,450	20,167	98.6%	19,663	96.2%
South West	7,987	7,775	97.3%	7,044	88.2%
West Midlands	7,696	7,609	98.9%	7,262	94.4%
Yorkshire & Humberside	11,863	11,691	98.6%	10,427	87.9%
England	105,522	103,600	98.2%	98,406	93.3%

Base: all respondent local authorities and port health authorities (322).

### Enforcement – premises/vehicles failing to prevent smoking in a smokefree area

During January–June 2009, enforcement authorities issued 515 written warnings in respect of premises'/vehicles' management failing to prevent smoking (equivalent to 0.7% of premises/vehicles inspected). There were 17 court hearings.

January to June 2009		
	Number of written warnings given	Number of court hearings
East Midlands	61	1
East of England	56	0
London	73	6
North East	25	1
North West	94	5
South East	74	0
South West	26	0
West Midlands	41	2
Yorkshire & Humberside	65	2
England	515	17

Base: all respondent local authorities and port health authorities (240).

During July 2007 to June 2009, enforcement authorities issued 3,735 written warnings in respect of failing to prevent smoking and there were 73 court hearings.

July 2007 to June 2009 (cumulative)		
	Number of written warnings given	Number of court hearings
East Midlands	491	3
East of England	402	4
London	422	12
North East	183	1
North West	577	25
South East	508	8
South West	264	2
West Midlands	471	7
Yorkshire & Humberside	417	11
England	3,735	73

Base: all respondent local authorities and port health authorities (328).

### Enforcement – premises/vehicles failing to display correct signage

Enforcement authorities issued 484 written warnings in respect of premises/vehicles failing to display correct signage in January–June 2009 (equivalent to 0.6% of premises/vehicles inspected). Twenty-two fixed penalty notices were issued, and there were four court hearings.

January to June 2009			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	57	0	0
East of England	122	0	0
London	69	4	0
North East	11	0	0
North West	56	12	4
South East	80	5	0
South West	25	0	0
West Midlands	29	0	0
Yorkshire & Humberside	35	1	0
England	484	22	4

Base: all respondent local authorities and port health authorities (240).

During July 2007 to June 2009, enforcement authorities issued 10,053 written warnings in respect of signage; 130 fixed penalty notices were issued and there were 16 court hearings.

July 2007 to June 2009 (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	1,305	6	0
East of England	1,124	3	0
London	1,261	24	5
North East	497	4	0
North West	331	52	6
South East	2,222	21	0
South West	1,084	10	4
West Midlands	731	5	0
Yorkshire & Humberside	1,498	5	1
England	10,053	130	16

Base: all respondent local authorities and port health authorities (328).

### Enforcement – individuals smoking in a smokefree area

Enforcement authorities issued 325 written warnings to individuals for smoking in a smokefree area in January–June 2009; 402 fixed penalty notices were issued, and there were 15 court hearings.

January to June 2009			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	45	12	0
East of England	50	29	1
London	1	4	0
North East	59	15	0
North West	33	178	12
South East	52	69	0
South West	14	13	0
West Midlands	37	46	2
Yorkshire & Humberside	34	36	0
England	325	402	15

Base: all respondent local authorities and port health authorities (239).

During July 2007 to June 2009, enforcement authorities issued 1,796 written warnings and 1,585 fixed penalty notices, and there were 52 court hearings.

July 2007 to June 2009 (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	263	76	2
East of England	290	145	2
London	56	204	0
North East	188	46	2
North West	268	500	38
South East	237	185	0
South West	156	58	1
West Midlands	170	261	6
Yorkshire & Humberside	168	110	1
England	1,796	1,585	52

Base: all respondent local authorities and port health authorities (325).