

SMOKEFREE LEGISLATION COMPLIANCE DATA

Report covering August 2007 (Period 3)

This report summarises the findings of the third smokefree legislation compliance data collection from enforcement authorities in England. The Department of Health has commissioned Local Government Analysis and Research (LGAR) to collect these data regularly from local authorities and port health authorities from July 2007 to July 2008. (The full timetable can be found on LGAR's website: www.lgar.local.gov.uk/lgv/core/page.do?pageId=32700).

As enforcement authorities, local councils are key to the success of the smokefree legislation. The data provided by these returns will play an important monitoring role in the early months after implementation, before longer-term research studies looking at the impact of the new smokefree law become available.

In total, responses were received from 333 local authorities (94%), the data from which also covered 43 port health authorities. In addition, 7 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 340 responses and are ungrossed. Note, however, that the actual number of respondents to each question may differ slightly from the overall total as some authorities were unable to answer all questions.

Tables in this report show activity during the period **1st August – 31st August** and cumulative figures from 1st July. Inspections are defined as both multi-purpose and solely smokefree inspections.

Overall compliance

Enforcement authorities inspected a total of 72,250 premises and vehicles during August, of which 98.7% were compliant in terms of no-smoking (defined as no evidence of management knowingly permitting smoking). The compliance rate varied little by region: from 96.9% in the East Midlands to 99.6% in the North East.

Overall, 88.3% of premises and vehicles were compliant in terms of signage (defined as the required no-smoking signage being displayed prominently), varying between 81.8% in the South West and 94.5% in the North East.

August 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	5,383	5,216	96.9%	4,909	91.2%
East of England	7,341	7,238	98.6%	6,571	89.5%
London	10,856	10,722	98.8%	9,648	88.9%
North East	4,844	4,826	99.6%	4,576	94.5%
North West	11,888	11,687	98.3%	10,641	89.5%
South East	8,865	8,752	98.7%	7,681	86.6%
South West	8,444	8,367	99.1%	6,910	81.8%
West Midlands	5,385	5,335	99.1%	4,662	86.6%
Yorkshire & Humberside	9,244	9,182	99.3%	8,170	88.4%
England	72,250	71,325	98.7%	63,768	88.3%

Base: all respondent local authorities and port health authorities (336)

In the first two months of the legislation, authorities inspected a total of 226,800 premises and vehicles. (Note: this could include multiple inspections of the same premises/vehicle.) The overall compliance rates were 97.8% (no-smoking) and 83.8% (signage).

July - August (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	16,504	16,034	97.2%	13,806	83.7%
East of England	22,675	22,211	98.0%	18,637	82.2%
London	31,933	31,587	98.9%	27,506	86.1%
North East	16,141	15,896	98.5%	14,790	91.6%
North West	39,800	38,666	97.2%	34,592	86.9%
South East	32,545	31,933	98.1%	26,127	80.3%
South West	28,047	27,134	96.7%	22,198	79.1%
West Midlands	16,612	16,442	99.0%	13,449	81.0%
Yorkshire & Humberside	22,543	21,913	97.2%	18,953	84.1%
England	226,800	221,816	97.8%	190,058	83.8%

Base: all respondent local authorities and port health authorities (359)

Premises compliance

Enforcement authorities inspected 61,884 premises in August, of which 98.7% were compliant in terms of no-smoking. There was little variation by type of premises, although it was slightly lower in accommodation premises, 91.1%. More than two-thirds of premises visited were classed as 'other', which includes workplaces, manufacturers, takeaways, and care establishments.

Overall, 87.6% of premises were compliant in terms of signage, varying between 81.4% of accommodation premises and 94.2% of other licensed premises (e.g. pubs and clubs).

August 2007					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	1,722	1,568	91.1%	1,401	81.4%
Restaurants	4,424	4,362	98.6%	4,060	91.8%
Other licensed	6,204	6,052	97.5%	5,843	94.2%
Other	42,168	41,822	99.2%	36,581	86.8%
Not specified*	7,366	7,299	99.1%	6,324	85.9%
Total	61,884	61,103	98.7%	54,209	87.6%

Base: all respondent local authorities and port health authorities (336)

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

In the first two months of the legislation, authorities inspected a total of 204,621 premises. (Note: this could include multiple inspections of the same premises.) The overall compliance rates were 97.8% (no-smoking) and 83.3% (signage).

July – August (cumulative)					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	4,110	3,889	94.6%	3,472	84.5%
Restaurants	15,745	15,431	98.0%	13,862	88.0%
Other licensed	23,011	22,402	97.4%	21,195	92.1%
Other	135,839	132,741	97.7%	111,058	81.8%
Not specified*	25,916	25,576	98.7%	20,767	80.1%
Total	204,621	200,039	97.8%	170,354	83.3%

Base: all respondent local authorities and port health authorities (359)

Regional variation in premises compliance

There was little regional variation in the no-smoking compliance rate in August: it varied between 96.5% in the East Midlands and 99.7% in the North East.

There was slightly more variation in the signage compliance rate in August: it varied between 81.3% in the South West and 93.3% in the North East.

August 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	4,408	4,253	96.5%	3,994	90.6%
East of England	5,411	5,333	98.6%	4,794	88.6%
London	10,251	10,121	98.7%	9,068	88.5%
North East	3,720	3,707	99.7%	3,469	93.3%
North West	10,663	10,482	98.3%	9,524	89.3%
South East	7,274	7,190	98.8%	6,187	85.1%
South West	7,425	7,364	99.2%	6,040	81.3%
West Midlands	5,141	5,099	99.2%	4,482	87.2%
Yorkshire & Humberside	7,591	7,554	99.5%	6,651	87.6%
England	61,884	61,103	98.7%	54,209	87.6%

Base: all respondent local authorities and port health authorities (336)

July – August (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	14,992	14,548	97.0%	12,465	83.1%
East of England	18,903	18,505	97.9%	15,266	80.8%
London	30,783	30,446	98.9%	26,491	86.1%
North East	13,632	13,397	98.3%	12,324	90.4%
North West	35,866	34,789	97.0%	30,979	86.4%
South East	28,932	28,407	98.2%	22,839	78.9%
South West	25,586	24,766	96.8%	20,346	79.5%
West Midlands	15,833	15,676	99.0%	12,823	81.0%
Yorkshire & Humberside	20,094	19,505	97.1%	16,821	83.7%
England	204,621	200,039	97.8%	170,354	83.3%

Base: all respondent local authorities and port health authorities (359)

Vehicle compliance

Enforcement authorities inspected 10,366 vehicles (e.g. taxis, private hire vehicles, coaches, and buses) in August. The overall compliance rate for no-smoking was 98.6%, similar to that of premises, with little regional variation.

The overall signage compliance rate in August was 92.2%, slightly higher than that of premises (88.3%). It varied between 73.8% in the West Midlands and 98.5% in the North East.

August 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	975	963	98.8%	915	93.8%
East of England	1,930	1,905	98.7%	1,777	92.1%
London	605	601	99.3%	580	95.9%
North East	1,124	1,119	99.6%	1,107	98.5%
North West	1,225	1,205	98.4%	1,117	91.2%
South East	1,591	1,562	98.2%	1,494	93.9%
South West	1,019	1,003	98.4%	870	85.4%
West Midlands	244	236	96.7%	180	73.8%
Yorkshire & Humberside	1,653	1,628	98.5%	1,519	91.9%
England	10,366	10,222	98.6%	9,559	92.2%

Base: all respondent local authorities and port health authorities (326)

In the first two months of the legislation, authorities inspected a total of 22,179 vehicles. (Note: this could include multiple inspections of the same vehicle.) The overall compliance rates were 98.2% (no-smoking) and 88.8% (signage).

July – August (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	1,512	1,486	98.3%	1,341	88.7%
East of England	3,772	3,706	98.3%	3,371	89.4%
London	1,150	1,141	99.2%	1,015	88.3%
North East	2,509	2,499	99.6%	2,466	98.3%
North West	3,934	3,877	98.6%	3,613	91.8%
South East	3,613	3,526	97.6%	3,288	91.0%
South West	2,461	2,368	96.2%	1,852	75.3%
West Midlands	779	766	98.3%	626	80.4%
Yorkshire & Humberside	2,449	2,408	98.3%	2,132	87.1%
England	22,179	21,777	98.2%	19,704	88.8%

Base: all respondent local authorities and port health authorities (346)

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

During August, enforcement authorities issued 240 written warnings in respect of premises/vehicles' management failing to prevent smoking (equivalent to 0.3% of premises/vehicles inspected). There was 1 court hearing.

August 2007		
	Number of written warnings given	Number of court hearings
East Midlands	31	0
East of England	20	0
London	13	0
North East	7	0
North West	31	1
South East	59	0
South West	41	0
West Midlands	28	0
Yorkshire & Humberside	10	0
England	240	1

Base: all respondent local authorities and port health authorities (338)

During July and August, enforcement authorities issued 552 written warnings in respect of failing to prevent smoking and there were two court hearings.

July – August (cumulative)		
	Number of written warnings given	Number of court hearings
East Midlands	66	0
East of England	72	0
London	47	0
North East	18	0
North West	63	2
South East	114	0
South West	62	0
West Midlands	70	0
Yorkshire & Humberside	40	0
England	552	2

Base: all respondent local authorities and port health authorities (353)

Enforcement – premises/vehicles failing to display correct signage

Enforcement authorities issued 1,318 written warnings in respect of premises/vehicles failing to display correct signage in August (equivalent to 1.8% of premises/vehicles inspected). Three fixed penalty notices were issued, and there was one court hearing.

August 2007			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	161	1	0
East of England	145	1	0
London	135	0	0
North East	53	0	0
North West	16	1	1
South East	296	0	0
South West	58	0	0
West Midlands	157	0	0
Yorkshire & Humberside	297	0	0
England	1,318	3	1

Base: all respondent local authorities and port health authorities (338)

During July and August, enforcement authorities issued 4,416 written warnings in respect of signage, five fixed penalty notices and there was one court hearing.

July – August (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	302	1	0
East of England	533	2	0
London	217	0	0
North East	236	0	0
North West	53	1	1
South East	1,235	0	0
South West	701	0	0
West Midlands	459	1	0
Yorkshire & Humberside	680	0	0
England	4,416	5	1

Base: all respondent local authorities and port health authorities (353)

Enforcement – individuals smoking in a smokefree area

Enforcement authorities issued 67 written warnings to individuals for smoking in a smokefree area in August. Thirty-six fixed penalty notices were issued, and there were two court hearings.

August 2007			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	7	0	0
East of England	16	0	0
London	4	0	0
North East	9	0	0
North West	6	23	1
South East	6	8	0
South West	12	2	1
West Midlands	5	3	0
Yorkshire & Humberside	2	0	0
England	67	36	2

Base: all respondent local authorities and port health authorities (338)

During July and August, enforcement authorities issued 156 written warnings, 40 fixed penalty notices and there were two court hearings.

July – August (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	45	0	0
East of England	21	0	0
London	5	0	0
North East	14	0	0
North West	15	26	1
South East	21	8	0
South West	19	2	1
West Midlands	8	4	0
Yorkshire & Humberside	8	0	0
England	156	40	2

Base: all respondent local authorities and port health authorities (353)