

## SMOKEFREE LEGISLATION COMPLIANCE DATA

### Report covering October 2007 (Period 5)

This report summarises the findings of the fifth 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?pagelId=32700](http://www.lgar.local.gov.uk/lgv/core/page.do?pagelId=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 323 local authorities (91%), the data from which also covered 41 port health authorities. In addition, 6 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 329 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 October – 31st October** 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 41,931 premises and vehicles during October, of which 98.6% were compliant in terms of no-smoking (defined as no evidence of management knowingly permitting smoking). The compliance rate varied little by region: from 98.4% in the South West and West Midlands to 99.2% in the North East.

Overall, 89.9% of premises and vehicles were compliant in terms of signage (defined as the required no-smoking signage being displayed prominently), varying between 83.3% in Yorkshire & Humberside and 94.9% in the North West.

October 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	4,209	4,157	98.8%	3,822	90.8%
East of England	4,885	4,812	98.5%	4,324	88.5%
London	7,414	7,301	98.5%	6,533	88.1%
North East	2,017	2,000	99.2%	1,892	93.8%
North West	5,650	5,589	98.9%	5,362	94.9%
South East	6,595	6,510	98.7%	6,002	91.0%
South West	3,614	3,555	98.4%	3,277	90.7%
West Midlands	3,090	3,040	98.4%	2,765	89.5%
Yorkshire & Humberside	4,457	4,396	98.6%	3,712	83.3%
England	41,931	41,360	98.6%	37,689	89.9%

Base: all respondent local authorities and port health authorities (319)

In the first four months of the legislation, authorities inspected a total of 317,924 premises and vehicles. (Note: this could include multiple inspections of the same premises/vehicle.) The overall compliance rates were 98.0% (no-smoking) and 85.3% (signage).

July – October (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	24,385	23,794	97.6%	20,969	86.0%
East of England	32,535	31,921	98.1%	27,481	84.5%
London	45,303	44,732	98.7%	38,878	85.8%
North East	20,449	20,165	98.6%	18,871	92.3%
North West	54,529	53,243	97.6%	48,593	89.1%
South East	48,362	47,551	98.3%	40,256	83.2%
South West	36,024	35,000	97.2%	29,234	81.2%
West Midlands	23,887	23,609	98.8%	19,674	82.4%
Yorkshire & Humberside	32,450	31,707	97.7%	27,263	84.0%
England	317,924	311,722	98.0%	271,219	85.3%

Base: all respondent local authorities and port health authorities (360)

## Premises compliance

Enforcement authorities inspected 34,877 premises in October, of which 98.7% were compliant in terms of no-smoking. There was little variation by type of premises. Almost 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.

Overall, 90.1% of premises were compliant in terms of signage, varying between 88.3% of other premises and 95.3% of other licensed premises (e.g. pubs and clubs).

October 2007					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	1,026	1,018	99.2%	945	92.1%
Restaurants	2,655	2,626	98.9%	2,483	93.5%
Other licensed	3,713	3,620	97.5%	3,538	95.3%
Other	19,846	19,602	98.8%	17,532	88.3%
Not specified*	7,637	7,564	99.0%	6,936	90.8%
<b>Total</b>	<b>34,877</b>	<b>34,430</b>	<b>98.7%</b>	<b>31,434</b>	<b>90.1%</b>

Base: all respondent local authorities and port health authorities (319)

\*64 authorities were unable to provide a breakdown by premises type.

In the first four months of the legislation, authorities inspected a total of 279,771 premises. (Note: this could include multiple inspections of the same premises.) The overall compliance rates were 98.0% (no-smoking) and 84.8% (signage).

July – October (cumulative)					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	6,389	6,140	96.1%	5,570	87.2%
Restaurants	21,295	20,912	98.2%	18,981	89.1%
Other licensed	30,834	30,044	97.4%	28,604	92.8%
Other	181,794	178,156	98.0%	151,141	83.1%
Not specified*	39,459	38,965	98.7%	32,908	83.4%
<b>Total</b>	<b>279,771</b>	<b>274,219</b>	<b>98.0%</b>	<b>237,225</b>	<b>84.8%</b>

Base: all respondent local authorities and port health authorities (360)

## Regional variation in premises compliance

There was very little regional variation in the no-smoking compliance rate in October: it varied between 98.3% in the West Midlands and 99.5% in the North East.

There was slightly more variation in the signage compliance rate in October: it varied between 83.3% in Yorkshire & Humberside and 94.9% in the North East.

October 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	2,975	2,934	98.6%	2,697	90.7%
East of England	3,704	3,651	98.6%	3,340	90.2%
London	7,298	7,196	98.6%	6,446	88.3%
North East	1,713	1,704	99.5%	1,626	94.9%
North West	4,856	4,807	99.0%	4,598	94.7%
South East	5,549	5,485	98.8%	5,012	90.3%
South West	2,770	2,734	98.7%	2,511	90.6%
West Midlands	2,839	2,792	98.3%	2,561	90.2%
Yorkshire & Humberside	3,173	3,127	98.6%	2,643	83.3%
England	34,877	34,430	98.7%	31,434	90.1%

Base: all respondent local authorities and port health authorities (319)

July – October (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	21,081	20,562	97.5%	17,995	85.4%
East of England	26,750	26,231	98.1%	22,334	83.5%
London	43,943	43,394	98.8%	37,719	85.8%
North East	17,349	17,092	98.5%	15,859	91.4%
North West	47,790	46,588	97.5%	42,285	88.5%
South East	41,252	40,587	98.4%	33,737	81.8%
South West	32,276	31,373	97.2%	26,227	81.3%
West Midlands	22,542	22,281	98.8%	18,584	82.4%
Yorkshire & Humberside	26,788	26,111	97.5%	22,485	83.9%
England	279,771	274,219	98.0%	237,225	84.8%

Base: all respondent local authorities and port health authorities (360)

## Vehicle compliance

Enforcement authorities inspected 7,054 vehicles (e.g. taxis, private hire vehicles, coaches, and buses) in October. The overall compliance rate for no-smoking was 98.2%, similar to that of premises, varying between 90.5% in London and 99.1% in the East Midlands.

The overall signage compliance rate in October was 88.7%, slightly lower than that of premises (90.1%). It varied between 75.0% in London and 96.2% in the North West.

October 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	1,234	1,223	99.1%	1,125	91.2%
East of England	1,181	1,161	98.3%	984	83.3%
London	116	105	90.5%	87	75.0%
North East	304	296	97.4%	266	87.5%
North West	794	782	98.5%	764	96.2%
South East	1,046	1,025	98.0%	990	94.6%
South West	844	821	97.3%	766	90.8%
West Midlands	251	248	98.8%	204	81.3%
Yorkshire & Humberside	1,284	1,269	98.8%	1,069	83.3%
England	7,054	6,930	98.2%	6,255	88.7%

Base: all respondent local authorities and port health authorities (314)

In the first four months of the legislation, authorities inspected a total of 38,153 vehicles. (Note: this could include multiple inspections of the same vehicle.) The overall compliance rates were 98.3% (no-smoking) and 89.1% (signage).

July – October (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	3,304	3,232	97.8%	2,974	90.0%
East of England	5,785	5,690	98.4%	5,147	89.0%
London	1,360	1,338	98.4%	1,159	85.2%
North East	3,100	3,073	99.1%	3,012	97.2%
North West	6,739	6,655	98.8%	6,308	93.6%
South East	7,110	6,964	97.9%	6,519	91.7%
South West	3,748	3,627	96.8%	3,007	80.2%
West Midlands	1,345	1,328	98.7%	1,090	81.0%
Yorkshire & Humberside	5,662	5,596	98.8%	4,778	84.4%
England	38,153	37,503	98.3%	33,994	89.1%

Base: all respondent local authorities and port health authorities (347)

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

During October, enforcement authorities issued 227 written warnings in respect of premises'/ vehicles' management failing to prevent smoking (equivalent to 0.5% of premises/vehicles inspected). There was one court hearing.

October 2007		
	Number of written warnings given	Number of court hearings
East Midlands	44	0
East of England	29	0
London	11	0
North East	9	0
North West	28	0
South East	30	0
South West	26	1
West Midlands	30	0
Yorkshire & Humberside	20	0
England	227	1

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

During July-October, enforcement authorities issued 1,025 written warnings in respect of failing to prevent smoking and there were six court hearings.

July – October (cumulative)		
	Number of written warnings given	Number of court hearings
East Midlands	138	0
East of England	130	0
London	70	0
North East	39	0
North West	131	4
South East	204	1
South West	122	1
West Midlands	121	0
Yorkshire & Humberside	70	0
England	1,025	6

Base: all respondent local authorities and port health authorities (354)

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

Enforcement authorities issued 895 written warnings in respect of premises/vehicles failing to display correct signage in October (equivalent to 2.1% of premises/vehicles inspected). Three fixed penalty notices were issued, and there was one court hearing.

October 2007			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	111	0	0
East of England	50	0	0
London	67	0	0
North East	60	0	0
North West	61	0	0
South East	275	3	0
South West	30	0	1
West Midlands	29	0	0
Yorkshire & Humberside	212	0	0
England	895	3	1

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

During July-October, enforcement authorities issued 6,087 written warnings in respect of signage, 20 fixed penalty notices and there were three court hearings.

July – October (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	454	1	0
East of England	658	2	0
London	385	9	1
North East	360	0	0
North West	131	1	1
South East	1,721	4	0
South West	792	0	1
West Midlands	514	1	0
Yorkshire & Humberside	1,072	2	0
England	6,087	20	3

Base: all respondent local authorities and port health authorities (354)

## Enforcement – individuals smoking in a smokefree area

Enforcement authorities issued 114 written warnings to individuals for smoking in a smokefree area in October. Twenty-five fixed penalty notices were issued, and there was one court hearing.

October 2007			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	26	0	0
East of England	15	0	0
London	9	0	0
North East	10	0	0
North West	5	10	1
South East	13	5	0
South West	8	0	0
West Midlands	9	4	0
Yorkshire & Humberside	19	6	0
England	114	25	1

Base: all respondent local authorities and port health authorities (329)

During July-October, enforcement authorities issued 390 written warnings, 95 fixed penalty notices and there were four court hearings.

July – October (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	96	6	0
East of England	36	1	0
London	17	0	0
North East	32	1	0
North West	36	52	3
South East	44	14	0
South West	56	3	1
West Midlands	22	12	0
Yorkshire & Humberside	51	6	0
England	390	95	4

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