

SMOKEFREE LEGISLATION COMPLIANCE DATA

Report covering November 2007 (Period 6)

This report summarises the findings of the sixth 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 323 local authorities (91%), the data from which also covered 38 port health authorities. In addition, 4 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 327 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 November – 30th November** 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 37,235 premises and vehicles during November, of which 98.8% were compliant in terms of no-smoking (defined as no evidence of management knowingly permitting smoking). The compliance rate varied little by region: from 98.1% in Yorkshire and Humberside to 99.2% in the East Midlands.

Overall, 91.8% of premises and vehicles were compliant in terms of signage (defined as the required no-smoking signage being displayed prominently), varying between 81.3% in Yorkshire and Humberside, and 95.2% in the North East.

November 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	3,311	3,283	99.2%	3,060	92.4%
East of England	4,457	4,412	99.0%	4,174	93.7%
London	5,561	5,467	98.3%	4,992	89.8%
North East	1,735	1,711	98.6%	1,652	95.2%
North West	7,576	7,488	98.8%	7,205	95.1%
South East	5,101	5,055	99.1%	4,831	94.7%
South West	2,929	2,904	99.1%	2,657	90.7%
West Midlands	2,617	2,588	98.9%	2,412	92.2%
Yorkshire & Humberside	3,948	3,873	98.1%	3,209	81.3%
England	37,235	36,781	98.8%	34,192	91.8%

Base: all respondent local authorities and port health authorities (323)

In the first five months of the legislation, authorities inspected a total of 355,159 premises and vehicles. (Note: this could include multiple inspections of the same premises/vehicle.) The overall compliance rates were 98.1% (no-smoking) and 86.0% (signage).

July – November (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	27,696	27,077	97.8%	24,029	86.8%
East of England	36,992	36,333	98.2%	31,655	85.6%
London	50,864	50,199	98.7%	43,870	86.2%
North East	22,184	21,876	98.6%	20,523	92.5%
North West	62,105	60,731	97.8%	55,798	89.8%
South East	53,463	52,606	98.4%	45,087	84.3%
South West	38,953	37,904	97.3%	31,891	81.9%
West Midlands	26,504	26,197	98.8%	22,086	83.3%
Yorkshire & Humberside	36,398	35,580	97.8%	30,472	83.7%
England	355,159	348,503	98.1%	305,411	86.0%

Base: all respondent local authorities and port health authorities (361)

Premises compliance

Enforcement authorities inspected 30,104 premises in November, of which 98.8% were compliant in terms of no-smoking. There was little variation by type of premises.

Overall, 91.8% of premises were compliant in terms of signage, varying between 91.1% of other premises and 95.3% of other licensed premises (e.g. pubs and clubs).

November 2007					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	784	771	98.3%	725	92.5%
Restaurants	2,483	2,419	97.4%	2,308	93.0%
Other licensed	3,306	3,214	97.2%	3,152	95.3%
Other	17,443	17,262	99.0%	15,894	91.1%
Not specified*	6,088	6,033	99.1%	5,554	91.2%
Total	30,104	29,744	98.8%	27,633	91.8%

Base: all respondent local authorities and port health authorities (323)

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

In the first five months of the legislation, authorities inspected a total of 309,875 premises. (Note: this could include multiple inspections of the same premises.) The overall compliance rates were 98.1% (no-smoking) and 85.5% (signage). Slightly under two-thirds of premises visited were classed as 'other' (excluding those for which information was not given), which includes workplaces, manufacturers, takeaways, and care establishments.

July – November (cumulative)					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	7,173	6,911	96.3%	6,295	87.8%
Restaurants	23,778	23,331	98.1%	21,289	89.5%
Other licensed	34,140	33,258	97.4%	31,756	93.0%
Other	199,237	195,418	98.1%	167,035	83.8%
Not specified*	45,547	44,998	98.8%	38,462	84.4%
Total	309,875	303,963	98.1%	264,858	85.5%

Base: all respondent local authorities and port health authorities (361)

Regional variation in premises compliance

There was little regional variation in the no-smoking compliance rate in November: it varied between 97.7% in Yorkshire and Humberside, and 99.4% in the South West.

There was slightly more variation in the signage compliance rate in November: it varied between 83.9% in Yorkshire and Humberside, and 96.2% in the North East.

November 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	2,272	2,250	99.0%	2,091	92.0%
East of England	2,956	2,923	98.9%	2,714	91.8%
London	5,396	5,325	98.7%	4,874	90.3%
North East	1,538	1,526	99.2%	1,480	96.2%
North West	6,103	6,030	98.8%	5,769	94.5%
South East	4,017	3,974	98.9%	3,770	93.9%
South West	2,530	2,514	99.4%	2,299	90.9%
West Midlands	2,418	2,394	99.0%	2,225	92.0%
Yorkshire & Humberside	2,874	2,808	97.7%	2,411	83.9%
England	30,104	29,744	98.8%	27,633	91.8%

Base: all respondent local authorities and port health authorities (323)

July – November (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	23,353	22,812	97.7%	20,086	86.0%
East of England	29,706	29,154	98.1%	25,048	84.3%
London	49,339	48,719	98.7%	42,593	86.3%
North East	18,887	18,618	98.6%	17,339	91.8%
North West	53,893	52,618	97.6%	48,054	89.2%
South East	45,269	44,561	98.4%	37,507	82.9%
South West	34,806	33,887	97.4%	28,526	82.0%
West Midlands	24,960	24,675	98.9%	20,809	83.4%
Yorkshire & Humberside	29,662	28,919	97.5%	24,896	83.9%
England	309,875	303,963	98.1%	264,858	85.5%

Base: all respondent local authorities and port health authorities (361)

Vehicle compliance

Enforcement authorities inspected 7,131 vehicles (e.g. taxis, private hire vehicles, coaches, and buses) in November. The overall compliance rate for no-smoking was 98.7%, similar to that of premises, varying between 86.1% in London and 99.7% in the South West.

The overall signage compliance rate in November was 92.0%, also similar to that of premises, varying between 71.5% in London and 97.9% in the South East.

November 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	1,039	1,033	99.4%	969	93.3%
East of England	1,501	1,489	99.2%	1,460	97.3%
London	165	142	86.1%	118	71.5%
North East	197	185	93.9%	172	87.3%
North West	1,473	1,458	99.0%	1,436	97.5%
South East	1,084	1,081	99.7%	1,061	97.9%
South West	399	390	97.7%	358	89.7%
West Midlands	199	194	97.5%	187	94.0%
Yorkshire & Humberside	1,074	1,065	99.2%	798	74.3%
England	7,131	7,037	98.7%	6,559	92.0%

Base: all respondent local authorities and port health authorities (312)

In the first five months of the legislation, authorities inspected a total of 45,284 vehicles. (Note: this could include multiple inspections of the same vehicle.) The overall compliance rates were 98.4% (no-smoking) and 89.6% (signage).

July – November (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	4,343	4,265	98.2%	3,943	90.8%
East of England	7,286	7,179	98.5%	6,607	90.7%
London	1,525	1,480	97.0%	1,277	83.7%
North East	3,297	3,258	98.8%	3,184	96.6%
North West	8,212	8,113	98.8%	7,744	94.3%
South East	8,194	8,045	98.2%	7,580	92.5%
South West	4,147	4,017	96.9%	3,365	81.1%
West Midlands	1,544	1,522	98.6%	1,277	82.7%
Yorkshire & Humberside	6,736	6,661	98.9%	5,576	82.8%
England	45,284	44,540	98.4%	40,553	89.6%

Base: all respondent local authorities and port health authorities (348)

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

During November, enforcement authorities issued 208 written warnings in respect of premises/vehicles' management failing to prevent smoking (equivalent to 0.6% of premises/vehicles inspected). There were two court hearings.

November 2007		
	Number of written warnings given	Number of court hearings
East Midlands	28	0
East of England	27	0
London	22	0
North East	16	0
North West	30	1
South East	19	1
South West	12	0
West Midlands	34	0
Yorkshire & Humberside	20	0
England	208	2

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

During July-November, enforcement authorities issued 1,233 written warnings in respect of failing to prevent smoking and there were 8 court hearings.

July – November (cumulative)		
	Number of written warnings given	Number of court hearings
East Midlands	166	0
East of England	157	0
London	92	0
North East	55	0
North West	161	5
South East	223	2
South West	134	1
West Midlands	155	0
Yorkshire & Humberside	90	0
England	1,233	8

Base: all respondent local authorities and port health authorities (355)

Enforcement – premises/vehicles failing to display correct signage

Enforcement authorities issued 559 written warnings in respect of premises/vehicles failing to display correct signage in November (equivalent to 1.5% of premises/vehicles inspected). Two fixed penalty notices were issued, and there was one court hearing.

November 2007			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	52	0	0
East of England	53	0	0
London	105	0	1
North East	53	0	0
North West	23	1	0
South East	78	0	0
South West	25	0	0
West Midlands	33	0	0
Yorkshire & Humberside	137	1	0
England	559	2	1

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

During July-November, enforcement authorities issued 6,646 written warnings in respect of signage, 22 fixed penalty notices and there were 4 court hearings.

July – November (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	506	1	0
East of England	711	2	0
London	490	9	2
North East	413	0	0
North West	154	2	1
South East	1,799	4	0
South West	817	0	1
West Midlands	547	1	0
Yorkshire & Humberside	1,209	3	0
England	6,646	22	4

Base: all respondent local authorities and port health authorities (355)

Enforcement – individuals smoking in a smokefree area

Enforcement authorities issued 131 written warnings to individuals for smoking in a smokefree area in November. Seventy fixed penalty notices were issued (compared with 95 in the preceding four months), and there was one court hearing.

November 2007			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	18	3	0
East of England	26	7	0
London	7	2	0
North East	12	0	0
North West	24	19	1
South East	10	14	0
South West	10	3	0
West Midlands	13	18	0
Yorkshire & Humberside	11	4	0
England	131	70	1

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

During July-November, enforcement authorities issued 521 written warnings, 165 fixed penalty notices and there were 5 court hearings.

July – November (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	114	9	0
East of England	62	8	0
London	24	2	0
North East	44	1	0
North West	60	71	4
South East	54	28	0
South West	66	6	1
West Midlands	35	30	0
Yorkshire & Humberside	62	10	0
England	521	165	5

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