

SMOKEFREE LEGISLATION COMPLIANCE DATA

Report covering 1st – 13th July 2007 (Period 1)

This report summarises the findings of the first 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).

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 321 local authorities (91%), the data from which also covered 39 port health authorities. In addition, 12 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 333 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.

All the information below in this report relates to activity during the period **1st July to 13th July**. Inspections are defined as both multi-purpose and solely smokefree inspections.

Overall compliance

	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	6,566	6,382	97.2%	5,102	77.7%
East of England	7,677	7,441	96.9%	5,537	72.1%
London	11,532	11,423	99.1%	9,507	82.4%
North East	5,738	5,549	96.7%	4,977	86.7%
North West	16,770	16,184	96.5%	14,509	86.5%
South East	14,338	14,009	97.7%	10,725	74.8%
South West	13,119	12,366	94.3%	9,890	75.4%
West Midlands	6,611	6,553	99.1%	5,009	75.8%
Yorkshire & The Humber	6,548	6,281	95.9%	4,930	75.3%
England	88,899	86,188	97.0%	70,186	79.0%

Base: all respondent local authorities and port health authorities (333)

Enforcement authorities inspected a total of 88,899 premises and vehicles over 1-13th July, of which 97.0% were compliant in terms of no-smoking (defined as no evidence of management knowingly permitting smoking). There was little variation by region.

Overall, 79.0% of premises and vehicles were compliant in terms of signage (defined as the required no-smoking signage being displayed prominently), varying between 86.7% in the North East and 72.1% in the East of England.

Premises compliance

Enforcement authorities inspected 82,938 premises, of which 96.9% were compliant in terms of no-smoking. There was little variation between types of premises (almost two-thirds were classed as 'other', which includes workplaces, manufacturers, takeaways, and care establishments).

Overall, 78.6% of premises were compliant in terms of signage, varying between 91.0% of other licensed premises (e.g pubs and clubs) and 76.5% of 'other' premises.

Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	1,090	1,064	97.6%	937	86.0%
Restaurants	6,783	6,634	97.8%	5,810	85.7%
Other licensed	9,793	9,568	97.7%	8,911	91.0%
Other	54,450	52,491	96.4%	41,680	76.5%
Not specified*	10,822	10,604	98.0%	7,865	72.7%
Total	82,938	80,361	96.9%	65,203	78.6%

Base: all respondent local authorities and port health authorities (333)

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

Regional variation in premises compliance

There was little regional variation in the no-smoking compliance rate: it was highest in the West Midlands (99.1%) and lowest in the South West (94.2%).

There was slightly more variation in the signage compliance rate: it was highest in the North East (86.3%) and lowest in the East of England (70.4%).

	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	6,185	6,005	97.1%	4,800	77.6%
East of England	6,887	6,685	97.1%	4,851	70.4%
London	11,155	11,046	99.0%	9,211	82.6%
North East	5,526	5,340	96.6%	4,768	86.3%
North West	14,946	14,371	96.2%	12,811	85.7%
South East	13,366	13,065	97.7%	9,863	73.8%
South West	12,318	11,607	94.2%	9,423	76.5%
West Midlands	6,257	6,202	99.1%	4,726	75.5%
Yorkshire & The Humber	6,298	6,040	95.9%	4,750	75.4%
England	82,938	80,361	96.9%	65,203	78.6%

Base: all respondent local authorities and port health authorities (333)

Vehicle compliance

Enforcement authorities inspected 5,961 vehicles (e.g. taxis, private hire vehicles, coaches, and buses). The overall compliance rate for no-smoking was similar to that of premises, 97.8%, and again varied little by region.

The overall signage compliance rate was slightly higher than that of premises, at 83.6%, varying between 98.6% in the North East and 58.3% in the South West.

	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	381	377	99.0%	302	79.3%
East of England	790	756	95.7%	686	86.8%
London	377	377	100.0%	296	78.5%
North East	212	209	98.6%	209	98.6%
North West	1,824	1,813	99.4%	1,698	93.1%
South East	972	944	97.1%	862	88.7%
South West	801	759	94.8%	467	58.3%
West Midlands	354	351	99.2%	283	79.9%
Yorkshire & The Humber	250	241	96.4%	180	72.0%
England	5,961	5,827	97.8%	4,983	83.6%

Base: all respondent local authorities and port health authorities (306)

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

Over 1-13th July, enforcement authorities issued 142 written warnings in respect of premises/vehicles' management failing to prevent smoking (equivalent to 0.2% of premises/vehicles inspected). There were no court hearings.

	Number of written warnings given	Number of court hearings
East Midlands	20	0
East of England	25	0
London	27	0
North East	5	0
North West	16	0
South East	22	0
South West	4	0
West Midlands	17	0
Yorkshire & The Humber	6	0
England	142	0

Base: all respondent local authorities and port health authorities (332)

Enforcement – premises/vehicles failing to display correct signage

Enforcement authorities issued 2,025 written warnings in respect of premises/vehicles failing to display correct signage (equivalent to 2.3% of premises/vehicles inspected). There were no fixed penalty notices issued or court hearings.

	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	256	0	0
East of England	78	0	0
London	7	0	0
North East	99	0	0
North West	24	0	0
South East	573	0	0
South West	594	0	0
West Midlands	161	0	0
Yorkshire & The Humber	233	0	0
England	2,025	0	0

Base: all respondent local authorities and port health authorities (332)

Enforcement – individuals smoking in a smokefree area

Enforcement authorities issued 45 written warnings to individuals for smoking in a smokefree area. One fixed penalty notice was issued, but there were no court hearings.

	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	19	0	0
East of England	2	0	0
London	1	0	0
North East	2	0	0
North West	5	1	0
South East	9	0	0
South West	1	0	0
West Midlands	2	0	0
Yorkshire & The Humber	4	0	0
England	45	1	0

Base: all respondent local authorities and port health authorities (332)

Smokefree England compliance line

In addition to the data outlined above, which has been collected by LGAR, the following chart summarises the total number of calls to the Smokefree England compliance line for the period **1st July to 28th July**. This data has been compiled by Broadsystems, the company responsible for operating the compliance line.

In total 2,342 calls were received by the compliance line, of which 606 leads were passed to local authorities to follow up. The discrepancy between the total number of calls made and those passed on to local councils is due to the fact that some calls did not contain details of any alleged breach of the legislation. For example, if people have called to ‘test’ the line, or in some cases incomplete data was supplied, this information was unable to be correctly matched to a local authority.

The figures on alleged breaches should also be treated with caution as in some cases it may be different people ringing to report the same breach.

Calls to Smokefree England compliance line

