

## SMOKEFREE LEGISLATION COMPLIANCE DATA

### Report covering September 2007 (Period 4)

This report summarises the findings of the fourth 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 326 local authorities (92%), the data from which also covered 41 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 331 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. Please also note that due to a number of authorities supplying retrospective data, cumulative figures will differ from those shown in previous reports.

Tables in this report show activity during the period **1st September – 30th September** 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 47,988 premises and vehicles during September, 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 98.1% in the East Midlands and London to 99.0% in the North East, North West, and Yorkshire & Humberside.

Overall, 88.2% of premises and vehicles were compliant in terms of signage (defined as the required no-smoking signage being displayed prominently), varying between 81.2% in London and 95.5% in the North East.

September 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	3,672	3,603	98.1%	3,341	91.0%
East of England	4,975	4,898	98.5%	4,520	90.9%
London	5,956	5,844	98.1%	4,839	81.2%
North East	2,291	2,269	99.0%	2,189	95.5%
North West	9,079	8,988	99.0%	8,639	95.2%
South East	8,017	7,905	98.6%	6,986	87.1%
South West	4,363	4,311	98.8%	3,759	86.2%
West Midlands	4,185	4,127	98.6%	3,460	82.7%
Yorkshire & Humberside	5,450	5,398	99.0%	4,598	84.4%
England	47,988	47,343	98.7%	42,331	88.2%

Base: all respondent local authorities and port health authorities (321)

In the first three months of the legislation, authorities inspected a total of 275,993 premises and vehicles. (Note: this could include multiple inspections of the same premises/vehicle.) The overall compliance rates were 98.0% (no-smoking) and 84.6% (signage).

July - September (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	20,176	19,637	97.3%	17,147	85.0%
East of England	27,650	27,109	98.0%	23,157	83.8%
London	37,889	37,431	98.8%	32,345	85.4%
North East	18,432	18,165	98.6%	16,979	92.1%
North West	48,879	47,654	97.5%	43,231	88.4%
South East	41,767	41,041	98.3%	34,254	82.0%
South West	32,410	31,445	97.0%	25,957	80.1%
West Midlands	20,797	20,569	98.9%	16,909	81.3%
Yorkshire & Humberside	27,993	27,311	97.6%	23,551	84.1%
England	275,993	270,362	98.0%	233,530	84.6%

## Premises compliance

Enforcement authorities inspected 39,833 premises in September, of which 98.7% were compliant in terms of no-smoking. There was little variation by type of premises. Almost two-thirds of premises visited were classed as 'other', which includes workplaces, manufacturers, takeaways, and care establishments.

Overall, 88.0% of premises were compliant in terms of signage, varying between 86.4% of other premises and 94.2% of other licensed premises (e.g. pubs and clubs).

September 2007					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	1,247	1,227	98.4%	1,147	92.0%
Restaurants	2,854	2,814	98.6%	2,605	91.3%
Other licensed	4,097	4,009	97.9%	3,858	94.2%
Other	25,729	25,435	98.9%	22,222	86.4%
Not specified*	5,906	5,825	98.6%	5,205	88.1%
<b>Total</b>	<b>39,833</b>	<b>39,312</b>	<b>98.7%</b>	<b>35,058</b>	<b>88.0%</b>

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

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

In the first three months of the legislation, authorities inspected a total of 244,894 premises. (Note: this could include multiple inspections of the same premises.) The overall compliance rates were 97.9% (no-smoking) and 84.0% (signage). Base: all respondent local authorities and port health authorities (359)

July – September (cumulative)					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	5,363	5,122	95.5%	4,625	86.2%
Restaurants	18,640	18,286	98.1%	16,498	88.5%
Other licensed	27,121	26,424	97.4%	25,066	92.4%
Other	161,948	158,554	97.9%	133,609	82.5%
Not specified*	31,822	31,401	98.7%	25,972	81.6%
<b>Total</b>	<b>244,894</b>	<b>239,789</b>	<b>97.9%</b>	<b>205,791</b>	<b>84.0%</b>

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

## Regional variation in premises compliance

There was very little regional variation in the no-smoking compliance rate in September: it varied between 98.1% in London and 99.4% in the North East.

There was slightly more variation in the signage compliance rate in September: it varied between 81.6% in London and 95.3% in the North East.

September 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	3,114	3,080	98.9%	2,833	91.0%
East of England	4,143	4,075	98.4%	3,728	90.0%
London	5,862	5,752	98.1%	4,782	81.6%
North East	2,004	1,991	99.4%	1,909	95.3%
North West	7,068	6,992	98.9%	6,708	94.9%
South East	6,331	6,257	98.8%	5,507	87.0%
South West	3,920	3,873	98.8%	3,370	86.0%
West Midlands	3,870	3,813	98.5%	3,200	82.7%
Yorkshire & Humberside	3,521	3,479	98.8%	3,021	85.8%
England	39,833	39,312	98.7%	35,058	88.0%

Base: all respondent local authorities and port health authorities (321)

July – September (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	18,106	17,628	97.4%	15,298	84.5%
East of England	23,046	22,580	98.0%	18,994	82.4%
London	36,645	36,198	98.8%	31,273	85.3%
North East	15,636	15,388	98.4%	14,233	91.0%
North West	42,934	41,781	97.3%	37,687	87.8%
South East	35,703	35,102	98.3%	28,725	80.5%
South West	29,506	28,639	97.1%	23,716	80.4%
West Midlands	19,703	19,489	98.9%	16,023	81.3%
Yorkshire & Humberside	23,615	22,984	97.3%	19,842	84.0%
England	244,894	239,789	97.9%	205,791	84.0%

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

## Vehicle compliance

Enforcement authorities inspected 8,155 vehicles (e.g. taxis, private hire vehicles, coaches, and buses) in September. The overall compliance rate for no-smoking was 98.5%, similar to that of premises, varying between 93.7% in the East Midlands and 99.7% in the West Midlands.

The overall signage compliance rate in September was 89.2%, slightly higher than that of premises (88.0%). It varied between 60.6% in London and 97.6% in the North East.

September 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	558	523	93.7%	508	91.0%
East of England	832	823	98.9%	792	95.2%
London	94	92	97.9%	57	60.6%
North East	287	278	96.9%	280	97.6%
North West	2,011	1,996	99.3%	1,931	96.0%
South East	1,686	1,648	97.7%	1,479	87.7%
South West	443	438	98.9%	389	87.8%
West Midlands	315	314	99.7%	260	82.5%
Yorkshire & Humberside	1,929	1,919	99.5%	1,577	81.8%
England	8,155	8,031	98.5%	7,273	89.2%

Base: all respondent local authorities and port health authorities (303)

In the first three months of the legislation, authorities inspected a total of 31,099 vehicles. (Note: this could include multiple inspections of the same vehicle.) The overall compliance rates were 98.3% (no-smoking) and 89.2% (signage).

July – September (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	2,070	2,009	97.1%	1,849	89.3%
East of England	4,604	4,529	98.4%	4,163	90.4%
London	1,244	1,233	99.1%	1,072	86.2%
North East	2,796	2,777	99.3%	2,746	98.2%
North West	5,945	5,873	98.8%	5,544	93.3%
South East	6,064	5,939	97.9%	5,529	91.2%
South West	2,904	2,806	96.6%	2,241	77.2%
West Midlands	1,094	1,080	98.7%	886	81.0%
Yorkshire & Humberside	4,378	4,327	98.8%	3,709	84.7%
England	31,099	30,573	98.3%	27,739	89.2%

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

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

During September, enforcement authorities issued 244 written warnings in respect of premises/vehicles' management failing to prevent smoking (equivalent to 0.5% of premises/vehicles inspected). There were three court hearings.

September 2007		
	Number of written warnings given	Number of court hearings
East Midlands	28	0
East of England	29	0
London	12	0
North East	12	0
North West	40	2
South East	58	1
South West	34	0
West Midlands	21	0
Yorkshire & Humberside	10	0
England	244	3

Base: all respondent local authorities and port health authorities (331)

During July – September, enforcement authorities issued 798 written warnings in respect of failing to prevent smoking and there were five court hearings.

July – September (cumulative)		
	Number of written warnings given	Number of court hearings
East Midlands	94	0
East of England	101	0
London	59	0
North East	30	0
North West	103	4
South East	174	1
South West	96	0
West Midlands	91	0
Yorkshire & Humberside	50	0
England	798	5

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

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

Enforcement authorities issued 773 written warnings in respect of premises/vehicles failing to display correct signage in September (equivalent to 1.6% of premises/vehicles inspected). Twelve fixed penalty notices were issued, and there was one court hearing.

September 2007			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	41	0	0
East of England	75	0	0
London	101	9	1
North East	64	0	0
North West	17	0	0
South East	208	1	0
South West	61	0	0
West Midlands	26	0	0
Yorkshire & Humberside	180	2	0
England	773	12	1

Base: all respondent local authorities and port health authorities (331)

During July – September, enforcement authorities issued 5,192 written warnings in respect of signage, seventeen fixed penalty notices and there were two court hearing.

July – September (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	343	1	0
East of England	608	2	0
London	318	9	1
North East	300	0	0
North West	70	1	1
South East	1,446	1	0
South West	762	0	0
West Midlands	485	1	0
Yorkshire & Humberside	860	2	0
England	5,192	17	2

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

## Enforcement – individuals smoking in a smokefree area

Enforcement authorities issued 119 written warnings to individuals for smoking in a smokefree area in September. Thirty fixed penalty notices were issued, and there was one court hearing.

September 2007			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	16	6	0
East of England	9	1	0
London	3	0	0
North East	8	1	0
North West	16	16	1
South East	9	1	0
South West	29	1	0
West Midlands	5	4	0
Yorkshire & Humberside	24	0	0
England	119	30	1

Base: all respondent local authorities and port health authorities (331)

During July – September, enforcement authorities issued 276 written warnings, 70 fixed penalty notices and there were three court hearings.

July – September (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	70	6	0
East of England	21	1	0
London	8	0	0
North East	22	1	0
North West	31	42	2
South East	31	9	0
South West	48	3	1
West Midlands	13	8	0
Yorkshire & Humberside	32	0	0
England	276	70	3

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