

SMOKEFREE LEGISLATION COMPLIANCE DATA

Report covering January 2008 – March 2008 (Period 8)

This report summarises the findings of the eighth smokefree legislation compliance data collection from enforcement authorities in England. The Department of Health has commissioned the Local Government Association (LGA) 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 the LGA'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 296 local authorities (84%), 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 302 responses and are ungrossed. (Note: the actual number of respondents to each question may differ slightly from the overall total as some authorities were unable to answer all questions. Also, 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 January – 31st March** and cumulative figures from 1st July 2007. Inspections are defined as both multi-purpose and solely smokefree inspections.

Overall compliance

Enforcement authorities inspected a total of 73,690 premises and vehicles during January – March 2008, of which 98.1% were compliant in terms of no-smoking (defined as no evidence of management knowingly permitting smoking). The compliance rate varied little by region: from 96.4% in the West Midlands to 99.0% in the North East.

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 87.5% in London and the East of England, and 97.1% in the South East.

January – March 2008					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	7,187	7,072	98.4%	6,527	90.8%
East of England	12,273	11,925	97.2%	10,736	87.5%
London	11,668	11,423	97.9%	10,213	87.5%
North East	4,090	4,050	99.0%	3,941	96.4%
North West	11,228	10,983	97.8%	10,712	95.4%
South East	7,931	7,844	98.9%	7,704	97.1%
South West	8,243	8,153	98.9%	7,589	92.1%
West Midlands	4,476	4,313	96.4%	4,107	91.8%
Yorkshire & Humberside	6,594	6,523	98.9%	6,087	92.3%
England	73,690	72,286	98.1%	67,616	91.8%

Base: all respondent local authorities and port health authorities (300)

In the first nine months of the legislation, authorities inspected a total of 453,680 premises and vehicles. (Note: this could include multiple inspections of the same premises/vehicle.) The overall compliance rates were 98.2% (no-smoking) and 87.4% (signage).

July 2007 – March 2008 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	37,230	36,473	98.0%	32,847	88.2%
East of England	51,960	50,907	98.0%	44,833	86.3%
London	65,601	64,659	98.6%	56,870	86.7%
North East	26,877	26,516	98.7%	25,057	93.2%
North West	78,724	77,026	97.8%	71,712	91.1%
South East	64,616	63,646	98.5%	55,854	86.4%
South West	49,420	48,254	97.6%	41,560	84.1%
West Midlands	34,156	33,663	98.6%	29,285	85.7%
Yorkshire & Humberside	45,096	44,175	98.0%	38,535	85.5%
England	453,680	445,319	98.2%	396,553	87.4%

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

Premises compliance

Enforcement authorities inspected 61,066 premises in January – March 2008, of which 98.2% were compliant in terms of no-smoking. There was little variation by type of premises.

Overall, 91.4% of premises were compliant in terms of signage.

January – March 2008					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	1,694	1,670	98.6%	1,607	94.9%
Restaurants	5,454	5,384	98.7%	5,179	95.0%
Other licensed	7,157	6,908	96.5%	6,810	95.2%
Other	33,292	32,846	98.7%	30,242	90.8%
Not specified*	13,469	13,164	97.7%	11,993	89.0%
Total	61,066	59,972	98.2%	55,831	91.4%

Base: all respondent local authorities and port health authorities (300)

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

In the first nine months of the legislation, authorities inspected a total of 390,148 premises. (Note: this could include multiple inspections of the same premises.) The overall compliance rates were 98.1% (no-smoking) and 86.8% (signage). Around 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.

July 2007 – March 2008 (cumulative)					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	9,442	9,142	96.8%	8,415	89.1%
Restaurants	31,051	30,520	98.3%	28,226	90.9%
Other licensed	43,730	42,510	97.2%	40,904	93.5%
Other	242,655	238,300	98.2%	206,790	85.2%
Not specified*	63,270	62,448	98.7%	54,398	86.0%
Total	390,148	382,920	98.1%	338,733	86.8%

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 January – March 2008: it varied between 96.7% in the West Midlands, and 99.3% in the North East and Yorkshire & Humberside.

There was slightly more variation in the signage compliance rate in January – March 2008: it varied between 85.4% in the East of England, and 96.5% in the South East.

January – March 2008					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	5,910	5,829	98.6%	5,400	91.4%
East of England	8,778	8,515	97.0%	7,497	85.4%
London	11,562	11,326	98.0%	10,150	87.8%
North East	3,747	3,722	99.3%	3,612	96.4%
North West	8,576	8,384	97.8%	8,179	95.4%
South East	5,785	5,723	98.9%	5,580	96.5%
South West	7,458	7,392	99.1%	6,864	92.0%
West Midlands	4,059	3,927	96.7%	3,743	92.2%
Yorkshire & Humberside	5,191	5,154	99.3%	4,806	92.6%
England	61,066	59,972	98.2%	55,831	91.4%

Base: all respondent local authorities and port health authorities (300)

July 2007 – March 2008 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	30,719	30,083	97.9%	26,894	87.5%
East of England	40,446	39,601	97.9%	34,276	84.7%
London	63,931	63,046	98.6%	55,514	86.8%
North East	23,155	22,849	98.7%	21,465	92.7%
North West	66,897	65,366	97.7%	60,525	90.5%
South East	53,774	52,985	98.5%	45,649	84.9%
South West	44,109	43,112	97.7%	37,107	84.1%
West Midlands	30,449	30,019	98.6%	25,909	85.1%
Yorkshire & Humberside	36,668	35,859	97.8%	31,394	85.6%
England	390,148	382,920	98.1%	338,733	86.8%

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

Vehicle compliance

Enforcement authorities inspected 12,624 vehicles (e.g. taxis, private hire vehicles, coaches, and buses) in January – March 2008. The overall compliance rate for no-smoking was 97.5%, slightly lower than that of premises, varying between 91.5% in London and 98.8% in the South East.

The overall signage compliance rate in January – March 2008 was 93.4%, slightly higher than that of premises, varying between 59.4% in London (based on a small number of inspections) and 99.0% in the South East.

January – March 2008					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	1,277	1,243	97.3%	1,127	88.3%
East of England	3,495	3,410	97.6%	3,239	92.7%
London	106	97	91.5%	63	59.4%
North East	343	328	95.6%	329	95.9%
North West	2,652	2,599	98.0%	2,533	95.5%
South East	2,146	2,121	98.8%	2,124	99.0%
South West	785	761	96.9%	725	92.4%
West Midlands	417	386	92.6%	364	87.3%
Yorkshire & Humberside	1,403	1,369	97.6%	1,281	91.3%
England	12,624	12,314	97.5%	11,785	93.4%

Base: all respondent local authorities and port health authorities (285)

In the first nine months of the legislation, authorities inspected a total of 63,532 vehicles. (Note: this could include multiple inspections of the same vehicle.) The overall compliance rates were 98.2% (no-smoking) and 91.0% (signage).

July 2007 – March 2008 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	6,511	6,390	98.1%	5,953	91.4%
East of England	11,514	11,306	98.2%	10,557	91.7%
London	1,670	1,613	96.6%	1,356	81.2%
North East	3,722	3,667	98.5%	3,592	96.5%
North West	11,827	11,660	98.6%	11,187	94.6%
South East	10,842	10,661	98.3%	10,205	94.1%
South West	5,311	5,142	96.8%	4,453	83.8%
West Midlands	3,707	3,644	98.3%	3,376	91.1%
Yorkshire & Humberside	8,428	8,316	98.7%	7,141	84.7%
England	63,532	62,399	98.2%	57,820	91.0%

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

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

During January – March 2008, enforcement authorities issued 603 written warnings in respect of premises'/vehicles' management failing to prevent smoking (equivalent to 0.8% of premises/vehicles inspected). There were 10 court hearings.

January – March 2008		
	Number of written warnings given	Number of court hearings
East Midlands	90	0
East of England	40	2
London	136	3
North East	37	0
North West	80	2
South East	70	0
South West	31	1
West Midlands	78	2
Yorkshire & Humberside	41	0
England	603	10

Base: all respondent local authorities and port health authorities (301)

During July 2007 – March 2008, enforcement authorities issued 2,052 written warnings in respect of failing to prevent smoking and there were 19 court hearings.

July 2007 – March 2008 (cumulative)		
	Number of written warnings given	Number of court hearings
East Midlands	281	0
East of England	224	2
London	262	3
North East	106	0
North West	274	8
South East	321	2
South West	179	2
West Midlands	255	2
Yorkshire & Humberside	150	0
England	2,052	19

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

Enforcement – premises/vehicles failing to display correct signage

Enforcement authorities issued 1,229 written warnings in respect of premises/vehicles failing to display correct signage in January – March 2008 (equivalent to 1.7% of premises/vehicles inspected). Twenty-three fixed penalty notices were issued, and there were four court hearings.

January – March 2008			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	298	0	0
East of England	175	0	0
London	407	0	2
North East	12	4	0
North West	43	6	1
South East	86	8	0
South West	87	3	1
West Midlands	55	1	0
Yorkshire & Humberside	66	1	0
England	1,229	23	4

Base: all respondent local authorities and port health authorities (302)

During July 2007 – March 2008, enforcement authorities issued 8,170 written warnings in respect of signage, 49 fixed penalty notices and there were 8 court hearings.

July 2007 – March 2008 (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	828	1	0
East of England	910	2	0
London	1,011	9	4
North East	428	4	0
North West	215	8	2
South East	1,924	13	0
South West	920	5	2
West Midlands	612	3	0
Yorkshire & Humberside	1,322	4	0
England	8,170	49	8

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

Enforcement – individuals smoking in a smokefree area

Enforcement authorities issued 263 written warnings to individuals for smoking in a smokefree area in December, 243 fixed penalty notices, and there were three court hearings.

January – March 2008			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	25	18	0
East of England	55	30	0
London	14	4	0
North East	21	9	1
North West	30	52	2
South East	42	40	0
South West	32	11	0
West Midlands	17	55	0
Yorkshire & Humberside	27	24	0
England	263	243	3

Base: all respondent local authorities and port health authorities (302)

During July 2007 – March 2008, enforcement authorities issued 908 written warnings, 477 fixed penalty notices and there were 8 court hearings.

July 2007 – March 2008 (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	154	40	0
East of England	131	41	0
London	44	6	0
North East	65	10	1
North West	134	135	6
South East	110	88	0
South West	106	18	1
West Midlands	65	105	0
Yorkshire & Humberside	99	34	0
England	908	477	8

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