

## SMOKEFREE LEGISLATION COMPLIANCE DATA

### Report covering July–December 2008 (Period 10)

This report summarises the findings of the 10th smokefree legislation compliance data collection from enforcement authorities in England. The Department of Health originally commissioned the Local Government Association (LGA) to collect these data regularly from local authorities and port health authorities from July 2007 to July 2008. This return is the first of a new set of four six-monthly collections. (The full timetable can be found on the LGA's website: [www.lga.gov.uk/lga/core/page.do?pagelId=1095237](http://www.lga.gov.uk/lga/core/page.do?pagelId=1095237))

In total, responses were received from 285 local authorities (81%), the data from which also covered 42 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 289 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.)

Tables in this report show activity during the period **1st July–31st December 2008** 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 87,720 premises and vehicles during July–December 2008, of which 98.3% were compliant in terms of no-smoking (defined as no evidence of management knowingly permitting smoking). The compliance rate varied between 96.6% in the East of England and 99.3% in the West Midlands.

Overall, 95.7% of premises and vehicles were compliant in terms of signage (defined as the required no-smoking signage being displayed prominently), varying between 93.5% in the East of England and 97.3% in the South East.

July–December 2008					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	9,307	9,216	99.0%	8,913	95.8%
East of England	11,769	11,369	96.6%	11,006	93.5%
London	11,744	11,530	98.2%	11,210	95.5%
North East	4,484	4,426	98.7%	4,355	97.1%
North West	13,522	13,275	98.2%	12,960	95.8%
South East	13,076	12,957	99.1%	12,726	97.3%
South West	6,740	6,675	99.0%	6,449	95.7%
West Midlands	9,534	9,464	99.3%	9,258	97.1%
Yorkshire & Humberside	7,544	7,308	96.9%	7,099	94.1%
England	87,720	86,220	98.3%	83,976	95.7%

Base: all respondent local authorities and port health authorities (282).

In the first 18 months of the legislation, authorities inspected a total of 590,155 premises and vehicles. (Note: this could include multiple inspections of the same premises/vehicle.) The overall compliance rates were 98.2% (no-smoking) and 89.3% (signage).

July 2007–December 2008 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	52,166	51,235	98.2%	46,741	89.6%
East of England	70,069	68,524	97.8%	61,850	88.3%
London	82,731	81,467	98.5%	73,103	88.4%
North East	33,917	33,463	98.7%	31,939	94.2%
North West	101,687	99,577	97.9%	93,677	92.1%
South East	82,901	81,760	98.6%	73,638	88.8%
South West	62,056	60,793	98.0%	53,661	86.5%
West Midlands	47,557	46,928	98.7%	42,262	88.9%
Yorkshire & Humberside	57,071	55,833	97.8%	49,868	87.4%
England	590,155	579,580	98.2%	526,739	89.3%

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

## Premises compliance

Enforcement authorities inspected 67,931 premises during July–December 2008, of which 98.3% were compliant in terms of no-smoking. There was little variation by type of premises.

Overall, 95.3% of premises were compliant in terms of signage.

July–December 2008					
Type of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	1,270	1,241	97.7%	1,200	94.5%
Restaurants	5,463	5,357	98.1%	5,222	95.6%
Other licensed	6,181	6,017	97.3%	5,956	96.4%
Other	25,765	25,378	98.5%	24,412	94.7%
Not specified*	29,252	28,769	98.3%	27,961	95.6%
<b>Total</b>	<b>67,931</b>	<b>66,743</b>	<b>98.3%</b>	<b>64,752</b>	<b>95.3%</b>

Base: all respondent local authorities and port health authorities (282).

In the first 18 months of the legislation, authorities inspected a total of 497,925 premises. (Note: this could include multiple inspections of the same premises.) The overall compliance rates were 98.2% (no-smoking) and 88.6% (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–December 2008 (cumulative)					
Type of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	11,938	11,588	97.1%	10,765	90.2%
Restaurants	39,965	39,285	98.3%	36,763	92.0%
Other licensed	53,309	51,810	97.2%	50,117	94.0%
Other	287,602	282,578	98.3%	249,209	86.7%
Not specified*	105,111	103,742	98.7%	94,412	89.8%
<b>Total</b>	<b>497,925</b>	<b>488,984</b>	<b>98.2%</b>	<b>441,267</b>	<b>88.6%</b>

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

\*114 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 during July–December 2008: it varied between 96.5% in the East of England and 99.2% in both the North East and the South West.

There was slightly more variation in the signage compliance rate during July–December 2008: it varied between 92.8% in the East of England and 96.9% in the West Midlands.

July–December 2008					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	6,619	6,557	99.1%	6,251	94.4%
East of England	9,959	9,610	96.5%	9,238	92.8%
London	11,448	11,239	98.2%	10,918	95.4%
North East	3,211	3,186	99.2%	3,086	96.1%
North West	10,035	9,878	98.4%	9,646	96.1%
South East	8,347	8,258	98.9%	8,077	96.8%
South West	5,814	5,770	99.2%	5,576	95.9%
West Midlands	6,574	6,511	99.0%	6,372	96.9%
Yorkshire & Humberside	5,924	5,734	96.8%	5,588	94.3%
England	67,931	66,743	98.3%	64,752	95.3%

Base: all respondent local authorities and port health authorities (282).

July 2007–December 2008 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	41,730	40,979	98.2%	37,081	88.9%
East of England	55,307	54,054	97.7%	48,155	87.1%
London	80,697	79,500	98.5%	71,394	88.5%
North East	28,482	28,136	98.8%	26,641	93.5%
North West	84,416	82,606	97.9%	77,388	91.7%
South East	65,808	64,907	98.6%	57,273	87.0%
South West	54,999	53,936	98.1%	47,528	86.4%
West Midlands	40,558	40,008	98.6%	35,679	88.0%
Yorkshire & Humberside	45,928	44,858	97.7%	40,128	87.4%
England	497,925	488,984	98.2%	441,267	88.6%

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

## Vehicle compliance

Enforcement authorities inspected 19,789 vehicles (e.g. taxis, private hire vehicles, coaches and buses) during July–December 2008. The overall compliance rate for no-smoking was 98.4%, very similar to that of premises, varying between 97.2% in both East of England and Yorkshire & Humberside and 99.8% in the West Midlands.

The overall signage compliance rate during July–December 2008 was 97.1%, slightly higher than that of premises, varying between 93.3% in Yorkshire & Humberside and 99.7% in the North East.

July–December 2008					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	2,688	2,659	98.9%	2,662	99.0%
East of England	1,810	1,759	97.2%	1,768	97.7%
London	296	291	98.3%	292	98.6%
North East	1,273	1,240	97.4%	1,269	99.7%
North West	3,487	3,397	97.4%	3,314	95.0%
South East	4,729	4,699	99.4%	4,649	98.3%
South West	926	905	97.7%	873	94.3%
West Midlands	2,960	2,953	99.8%	2,886	97.5%
Yorkshire & Humberside	1,620	1,574	97.2%	1,511	93.3%
England	19,789	19,477	98.4%	19,224	97.1%

Base: all respondent local authorities and port health authorities (266).

In the first 18 months of the legislation, authorities inspected a total of 92,230 vehicles. (Note: this could include multiple inspections of the same vehicle.) The overall compliance rates were 98.2% (no-smoking) and 92.7% (signage).

July 2007–December 2008 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	10,436	10,256	98.3%	9,660	92.6%
East of England	14,762	14,470	98.0%	13,695	92.8%
London	2,034	1,967	96.7%	1,709	84.0%
North East	5,435	5,327	98.0%	5,298	97.5%
North West	17,271	16,971	98.3%	16,289	94.3%
South East	17,093	16,853	98.6%	16,365	95.7%
South West	7,057	6,857	97.2%	6,133	86.9%
West Midlands	6,999	6,920	98.9%	6,583	94.1%
Yorkshire & Humberside	11,143	10,975	98.5%	9,740	87.4%
England	92,230	90,596	98.2%	85,472	92.7%

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

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

During July–December 2008, enforcement authorities issued 732 written warnings in respect of premises'/vehicles' management failing to prevent smoking (equivalent to 0.8% of premises/vehicles inspected). There were 25 court hearings.

July–December 2008		
	Number of written warnings given	Number of court hearings
East Midlands	66	1
East of England	89	1
London	49	0
North East	33	0
North West	133	7
South East	87	6
South West	28	0
West Midlands	97	2
Yorkshire & Humberside	150	8
England	732	25

Base: all respondent local authorities and port health authorities (284).

During July 2007–December 2008, enforcement authorities issued 3,220 written warnings in respect of failing to prevent smoking and there were 56 court hearings.

July 2007–December 2008 (cumulative)		
	Number of written warnings given	Number of court hearings
East Midlands	430	2
East of England	346	4
London	349	6
North East	158	0
North West	483	20
South East	434	8
South West	238	2
West Midlands	430	5
Yorkshire & Humberside	352	9
England	3,220	56

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

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

Enforcement authorities issued 697 written warnings in respect of premises/vehicles failing to display correct signage during July–December 2008 (equivalent to 0.8% of premises/vehicles inspected). Nineteen fixed penalty notices were issued, and there were three court hearings.

July–December 2008			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	127	1	0
East of England	35	0	0
London	95	9	1
North East	53	0	0
North West	53	4	0
South East	154	1	0
South West	46	4	2
West Midlands	38	0	0
Yorkshire & Humberside	96	0	0
England	697	19	3

Base: all respondent local authorities and port health authorities (287).

During July 2007–December 2008, enforcement authorities issued 9,569 written warnings and 108 fixed penalty notices in respect of signage, and there were 12 court hearings.

July 2007–December 2008 (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	1,248	6	0
East of England	1,002	3	0
London	1,192	20	5
North East	486	4	0
North West	275	40	2
South East	2,142	16	0
South West	1,059	10	4
West Midlands	702	5	0
Yorkshire & Humberside	1,463	4	1
England	9,569	108	12

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

## Enforcement – individuals smoking in a smokefree area

Enforcement authorities issued 351 written warnings and 526 fixed penalty notices to individuals for smoking in a smokefree area during July–December, and there were 20 court hearings.

July–December 2008			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	23	9	2
East of England	74	53	1
London	5	189	0
North East	38	15	1
North West	75	123	12
South East	48	23	0
South West	21	16	0
West Midlands	42	76	3
Yorkshire & Humberside	25	22	1
England	351	526	20

Base: all respondent local authorities and port health authorities (288).

During July 2007–December 2008, enforcement authorities issued 1,471 written warnings and 1,183 fixed penalty notices, and there were 37 court hearings.

July 2007–December 2008 (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	218	64	2
East of England	240	116	1
London	55	200	0
North East	129	31	2
North West	235	322	26
South East	185	116	0
South West	142	45	1
West Midlands	133	215	4
Yorkshire & Humberside	134	74	1
England	1,471	1,183	37

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