

## PUBLIC SAFETY TEAM CASE STUDY

<b>Business Type</b>	Businesses with Smoking Areas/Shelters
<b>Topic</b>	Providing advice and guidance to businesses on compliance with the smokefree legislation and other relevant legal requirements
<b>Date</b>	Ongoing



### Background

Since the introduction of the Smoking Ban in 2007, Leicester City Council's Public Safety Team has regularly received requests for advice from businesses wishing to erect a smoking shelter. In response to this new legal requirements, the team produced detailed Smoking Shelter Guidance in conjunction with key partners (the Police, Fire and Rescue Service, Planning, Building Control, HMRC, etc.) to help businesses who considering providing a smoking shelter for the employees or customers. The primary aims of the Guidance was to de-mystify legislation, ensure their smoking shelter was compliant, and save businesses time and money.

### Issues Faced

Even though this Guidance has been freely available, some businesses have still chosen to flout the law by permitting smoking in a shelter that not at least 50% open. Non-complaint premises/shelters have been found by the Team in offices, shops, pubs, clubs and cafes putting employees and customers at risk from second-hand-smoke. Such businesses are not only breaking the law but undermining the spirit of the legislation which aims to prevent persons from being exposed to second-hand-smoke.

To date, 14 businesses have been prosecuted by Leicester City Council's Public Safety Team for allowing persons to smoke in enclosed premises/shelters. The majority of these are shisha cafes. Usually such businesses fail to comply with other legislation such health and safety, food safety, fire safety, planning permission, trading law, etc. and were putting their employees and customers at unacceptable risks. Typical issues have included unsafe electrics and gas appliances, dirty/unhygienic kitchens, unsafe storage of LPG cylinders, poor means of escape, selling tobacco to under 18s, selling of non-duty paid tobacco, breach of planning conditions, causing a noise nuisance to local residents.



There have also been 2 serious fires in Leicester at shisha cafes which luckily have not resulted in any casualties. One was an arson attack at a roof-top shisha café resulting in the whole building had to be evacuated. The other followed the misuse of the electrical supply from street lighting and immediate enforcement action had to be taken by the Fire Officer.

### **Achieving Compliance**

In order to prevent further occurrences of non-compliance, the Public Safety Team are currently revising advice it provides to businesses.

A simple leaflet has been produced for new and existing businesses who are considering erecting a smoking shelter that provides all the key requirements and contact details.

The existing Smoking Shelter Guidance will be completely revised in the light of officer experience of the past few years. This revised Guidance will be available from 1<sup>st</sup> March 2015.

To protect the public and safeguard employees, officers from the Public Safety Team will continue to routinely monitor of all shisha businesses in Leicester in order to ensure long-term compliance. Such monitoring visits are still uncovering poor practices, non-compliant shelters etc where businesses have been required to take immediate action.

## **Further Information**

All current Smoking Shelter Guidance can be found on the webpages of the Public Safety Team on Leicester City Council's website:

<http://www.leicester.gov.uk/business/publicsafety/smokefree-workplaces-and-public-places/>

If you wish to contact the Public Safety Team either for advice about providing a smoking area or if you have concerns about a business in relation to smoking or health and safety please feel free to contact us by the following means:

**Post:** The Public Safety Team

Leicester City Council

1 King Street

Leicester LE1 6RN

**Tel:** 0116 454 3220

**Email:** [publicsafety@leicester.gov.uk](mailto:publicsafety@leicester.gov.uk)

**Web:** [www.leicester.gov.uk/business/publicsafety](http://www.leicester.gov.uk/business/publicsafety)