

SMOKEFREE LEGISLATION COMPLIANCE DATA

Report covering July to December 2009 (Period 12)

This report summarises the findings of the 12th 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 third of a new set of four six-monthly collections. (The full timetable can be found on the LGA's website.)

In total, responses were received from 227 local authorities (70%), the data from which also covered 33 port health authorities. In addition, three 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 230 responses and are ungrossed. (Notes: (1) the actual number of respondents to each question may differ slightly from the overall total as some authorities were unable to answer all questions; (2) due to a number of authorities supplying or amending retrospective data, cumulative figures may not tally with those shown in the previous report.)

Tables in this report show activity during the period **1 July to 31 December 2009** and cumulative figures from 1 July 2007. Inspections are defined as both multi-purpose and solely smokefree inspections.



Overall compliance

Enforcement authorities inspected a total of 75,746 premises and vehicles during July – December 2009, of which 98.9% were compliant in terms of no smoking (defined as no evidence of management knowingly permitting smoking). The compliance rate varied between 97.8% in both the North East and the West Midlands, and 99.7% in the South West.

Overall, 97.3% of premises and vehicles were compliant in terms of signage (defined as the required no-smoking signage being displayed prominently), varying between 93.3% in the West Midlands and 98.8% in the South West.

July to December 2009					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	11,748	11,585	98.6%	11,275	96.0%
East of England	6,979	6,897	98.8%	6,818	97.7%
London	7,904	7,828	99.0%	7,717	97.6%
North East	3,313	3,240	97.8%	3,239	97.8%
North West	13,430	13,270	98.8%	13,123	97.7%
South East	12,619	12,540	99.4%	12,377	98.1%
South West	8,303	8,277	99.7%	8,203	98.8%
West Midlands	5,263	5,146	97.8%	4,908	93.3%
Yorkshire & Humberside	6,187	6,140	99.2%	6,046	97.7%
England	75,746	74,923	98.9%	73,706	97.3%

Base: all respondent local authorities and port health authorities (230).

In the first two and a half years of the legislation, authorities inspected a total of 742,097 premises and vehicles. (Note: this could include multiple inspections of the same premises/vehicle.) The overall compliance rates were 98.3% (no smoking) and 90.8% (signage).

July 2007 to December 2009 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	72,085	70,936	98.4%	65,830	91.3%
East of England	84,790	83,002	97.9%	76,122	89.8%
London	99,794	97,884	98.1%	88,962	89.1%
North East	41,354	40,753	98.5%	39,206	94.8%
North West	129,666	127,161	98.1%	121,033	93.3%
South East	107,905	106,602	98.8%	98,182	91.0%
South West	76,895	75,530	98.2%	68,172	88.7%
West Midlands	60,124	59,245	98.5%	54,240	90.2%
Yorkshire & Humberside	69,484	68,109	98.0%	61,989	89.2%
England	742,097	729,222	98.3%	673,736	90.8%

Base: all respondent local authorities and port health authorities (334).

Premises compliance

Enforcement authorities inspected 61,513 premises in July – December 2009, of which 98.9% were compliant in terms of no smoking. There was little variation by type of premises.

Overall, 97.0% of premises were compliant in terms of signage.

July to December 2009					
Type of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	1,406	1,397	99.4%	1,374	97.7%
Restaurants	5,667	5,621	99.2%	5,495	97.0%
Other licensed	4,655	4,540	97.5%	4,529	97.3%
Other	20,472	20,174	98.5%	20,035	97.9%
Not specified*	29,313	29,109	99.3%	28,222	96.3%
Total	61,513	60,841	98.9%	59,655	97.0%

Base: all respondent local authorities and port health authorities (230).

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

In the first two and a half years of the legislation, authorities inspected a total of 622,342 premises. (Note: this could include multiple inspections of the same premises.) The overall compliance rates were 98.3% (no-smoking) and 90.2% (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 to December 2009 (cumulative)					
Type of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	14,884	14,509	97.5%	13,626	91.5%
Restaurants	51,269	50,470	98.4%	47,759	93.2%
Other licensed	63,766	62,015	97.3%	60,295	94.6%
Other	330,329	324,163	98.1%	290,111	87.8%
Not specified*	162,094	160,383	98.9%	149,488	92.5%
Total	622,342	611,540	98.3%	561,279	90.2%

Base: all respondent local authorities and port health authorities (334).

Regional variation in premises compliance

There was little regional variation in the no-smoking compliance rate in July – December 2009: it varied between 97.8% in the West Midlands and 99.7% in the South West.

There was slightly more variation in the signage compliance rate in July – December 2009: it varied between 92.3% in the West Midlands and 98.6% in the South West.

July to December 2009					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	10,081	9,929	98.5%	9,629	95.5%
East of England	5,402	5,344	98.9%	5,266	97.5%
London	7,872	7,796	99.0%	7,694	97.7%
North East	3,011	2,966	98.5%	2,944	97.8%
North West	9,068	8,950	98.7%	8,833	97.4%
South East	9,265	9,209	99.4%	9,044	97.6%
South West	6,806	6,783	99.7%	6,711	98.6%
West Midlands	4,571	4,470	97.8%	4,219	92.3%
Yorkshire & Humberside	5,437	5,394	99.2%	5,315	97.8%
England	61,513	60,841	98.9%	59,655	97.0%

Base: all respondent local authorities and port health authorities (230).

July 2007 to December 2009 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	58,326	57,383	98.4%	52,945	90.8%
East of England	66,862	65,451	97.9%	59,321	88.7%
London	97,696	95,857	98.1%	87,201	89.3%
North East	35,371	34,946	98.8%	33,373	94.4%
North West	103,968	101,906	98.0%	96,497	92.8%
South East	84,101	83,104	98.8%	75,186	89.4%
South West	67,411	66,261	98.3%	59,636	88.5%
West Midlands	51,736	50,960	98.5%	46,289	89.5%
Yorkshire & Humberside	56,871	55,672	97.9%	50,831	89.4%
England	622,342	611,540	98.3%	561,279	90.2%

Base: all respondent local authorities and port health authorities (334).

Vehicle compliance

Enforcement authorities inspected 14,233 vehicles (e.g. taxis, private hire vehicles, coaches and buses) in July – December 2009. The overall compliance rate for no smoking was 98.9%, the same as that of premises, varying between 90.7% in the North East and 100% in London.

The overall signage compliance rate in July – December 2009 was 98.7%, slightly higher than that of premises, varying between 71.9% in London and 99.7% in the South West.

July to December 2009					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	1,667	1,656	99.3%	1,646	98.7%
East of England	1,577	1,553	98.5%	1,552	98.4%
London	32	32	100%	23	71.9%
North East	302	274	90.7%	295	97.7%
North West	4,362	4,320	99.0%	4,290	98.3%
South East	3,354	3,331	99.3%	3,333	99.4%
South West	1,497	1,494	99.8%	1,492	99.7%
West Midlands	692	676	97.7%	689	99.6%
Yorkshire & Humberside	750	746	99.5%	731	97.5%
England	14,233	14,082	98.9%	14,051	98.7%

Base: all respondent local authorities and port health authorities (201).

In the first two and a half years of the legislation, authorities inspected a total of 119,755 vehicles. (Note: this could include multiple inspections of the same vehicle.) The overall compliance rates were 98.3% (no-smoking) and 93.9% (signage).

July 2007 to December 2009 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	13,759	13,553	98.5%	12,885	93.6%
East of England	17,928	17,551	97.9%	16,801	93.7%
London	2,098	2,027	96.6%	1,761	83.9%
North East	5,983	5,807	97.1%	5,833	97.5%
North West	25,698	25,255	98.3%	24,536	95.5%
South East	23,804	23,498	98.7%	22,996	96.6%
South West	9,484	9,269	97.7%	8,536	90.0%
West Midlands	8,388	8,285	98.8%	7,951	94.8%
Yorkshire & Humberside	12,613	12,437	98.6%	11,158	88.5%
England	119,755	117,682	98.3%	112,457	93.9%

Base: all respondent local authorities and port health authorities (322).

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

During July – December 2009, enforcement authorities issued 340 written warnings in respect of premises'/vehicles' management failing to prevent smoking (equivalent to 0.4% of premises/vehicles inspected). There were 21 court hearings.

July to December 2009		
	Number of written warnings given	Number of court hearings
East Midlands	78	1
East of England	42	1
London	37	6
North East	18	0
North West	33	7
South East	45	0
South West	24	0
West Midlands	26	0
Yorkshire & Humberside	37	6
England	340	21

Base: all respondent local authorities and port health authorities (226).

From July 2007 – December 2009, enforcement authorities issued 4,075 written warnings in respect of failing to prevent smoking and there were 94 court hearings.

July 2007 to December 2009 (cumulative)		
	Number of written warnings given	Number of court hearings
East Midlands	569	4
East of England	444	5
London	459	18
North East	201	1
North West	610	32
South East	553	8
South West	288	2
West Midlands	497	7
Yorkshire & Humberside	454	17
England	4,075	94

Base: all respondent local authorities and port health authorities (328).

Enforcement – Premises/vehicles failing to display correct signage

Enforcement authorities issued 694 written warnings in respect of premises/vehicles failing to display correct signage in July – December 2009 (equivalent to 0.9% of premises/vehicles inspected); 41 fixed penalty notices were issued, and there were five court hearings.

July to December 2009			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	102	16	0
East of England	60	10	1
London	219	1	4
North East	21	0	0
North West	63	11	0
South East	144	3	0
South West	16	0	0
West Midlands	30	0	0
Yorkshire & Humberside	39	0	0
England	694	41	5

Base: all respondent local authorities and port health authorities (225).

From July 2007 – December 2009, enforcement authorities issued 10,747 written warnings in respect of signage; 171 fixed penalty notices were issued and there were 21 court hearings.

July 2007 to December 2009 (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	1,407	22	0
East of England	1,184	13	1
London	1,480	25	9
North East	518	4	0
North West	394	63	6
South East	2,366	24	0
South West	1,100	10	4
West Midlands	761	5	0
Yorkshire & Humberside	1,537	5	1
England	10,747	171	21

Base: all respondent local authorities and port health authorities (328).

Enforcement – Individuals smoking in a smokefree area

Enforcement authorities issued 185 written warnings to individuals for smoking in a smokefree area between July – December 2009; 283 fixed penalty notices were issued, and there were 13 court hearings.

July to December 2009			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	46	45	2
East of England	34	33	1
London	4	2	0
North East	22	5	0
North West	25	76	9
South East	28	25	0
South West	4	13	0
West Midlands	8	57	0
Yorkshire & Humberside	14	27	1
England	185	283	13

Base: all respondent local authorities and port health authorities (226).

From July 2007 – December 2009, enforcement authorities issued 1,981 written warnings to individuals for smoking in a smokefree area; 1,868 fixed penalty notices were issued and there were 65 court hearings.

July 2007 to December 2009 (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	309	121	4
East of England	324	178	3
London	60	206	0
North East	210	51	2
North West	293	576	47
South East	265	210	0
South West	160	71	1
West Midlands	178	318	6
Yorkshire & Humberside	182	137	2
England	1,981	1,868	65

Base: all respondent local authorities and port health authorities (325).