

SMOKEFREE LEGISLATION COMPLIANCE DATA

Report covering December 2007 (Period 7)

This report summarises the findings of the seventh 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).

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 46 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: 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 December – 31st December** 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 23,009 premises and vehicles during December, 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 97.8% in the North East to 99.2% in the South East.

Overall, 94.4% of premises and vehicles were compliant in terms of signage (defined as the required no-smoking signage being displayed prominently), varying between 90.6% in East of England, and 98.3% in the North East.

December 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	2,292	2,269	99.0%	2,236	97.6%
East of England	2,695	2,649	98.3%	2,442	90.6%
London	3,069	3,037	99.0%	2,787	90.8%
North East	603	590	97.8%	593	98.3%
North West	5,285	5,213	98.6%	5,114	96.8%
South East	3,133	3,107	99.2%	2,974	94.9%
South West	2,224	2,197	98.8%	2,080	93.5%
West Midlands	1,604	1,581	98.6%	1,520	94.8%
Yorkshire & Humberside	2,104	2,072	98.5%	1,976	93.9%
England	23,009	22,715	98.7%	21,722	94.4%

Base: all respondent local authorities and port health authorities (327)

In the first six months of the legislation, authorities inspected a total of 379,990 premises and vehicles. (Note: this could include multiple inspections of the same premises/vehicle.) The overall compliance rates were 98.2% (no-smoking) and 86.6% (signage).

July – December (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	30,043	29,401	97.9%	26,320	87.6%
East of England	39,687	38,982	98.2%	34,097	85.9%
London	53,933	53,236	98.7%	46,657	86.5%
North East	22,787	22,466	98.6%	21,116	92.7%
North West	67,496	66,043	97.8%	61,000	90.4%
South East	56,685	55,802	98.4%	48,150	84.9%
South West	41,177	40,101	97.4%	33,971	82.5%
West Midlands	29,680	29,350	98.9%	25,178	84.8%
Yorkshire & Humberside	38,502	37,652	97.8%	32,448	84.3%
England	379,990	373,033	98.2%	328,937	86.6%

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

Premises compliance

Enforcement authorities inspected 19,000 premises in December, of which 98.9% were compliant in terms of no-smoking. There was little variation by type of premises.

Overall, 93.9% of premises were compliant in terms of signage.

December 2007					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	557	543	97.5%	495	88.9%
Restaurants	1,736	1,724	99.3%	1,680	96.8%
Other licensed	2,399	2,312	96.4%	2,304	96.0%
Other	10,054	9,965	99.1%	9,442	93.9%
Not specified*	4,254	4,239	99.6%	3,920	92.1%
Total	19,000	18,783	98.9%	17,843	93.9%

Base: all respondent local authorities and port health authorities (327)

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

In the first six months of the legislation, authorities inspected a total of 329,082 premises. (Note: this could include multiple inspections of the same premises.) The overall compliance rates were 98.1% (no-smoking) and 86.0% (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 – December (cumulative)					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	7,748	7,472	96.4%	6,808	87.9%
Restaurants	25,597	25,136	98.2%	23,047	90.0%
Other licensed	36,573	35,602	97.3%	34,094	93.2%
Other	209,363	205,454	98.1%	176,548	84.3%
Not specified*	49,801	49,284	99.0%	42,405	85.1%
Total	329,082	322,948	98.1%	282,902	86.0%

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 December: it varied between 97.7% in the North East, and 99.3% in the South East and South West.

There was slightly more variation in the signage compliance rate in December: it varied between 88.2% in the East of England, and 98.7% in the North East.

December 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	1,401	1,387	99.0%	1,353	96.6%
East of England	1,962	1,932	98.5%	1,731	88.2%
London	3,030	3,001	99.0%	2,771	91.5%
North East	521	509	97.7%	514	98.7%
North West	4,363	4,304	98.6%	4,233	97.0%
South East	2,633	2,614	99.3%	2,475	94.0%
South West	1,845	1,833	99.3%	1,717	93.1%
West Midlands	1,430	1,417	99.1%	1,357	94.9%
Yorkshire & Humberside	1,815	1,786	98.4%	1,692	93.2%
England	19,000	18,783	98.9%	17,843	93.9%

Base: all respondent local authorities and port health authorities (327)

July – December (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	24,809	24,254	97.8%	21,494	86.6%
East of England	31,668	31,086	98.2%	26,779	84.6%
London	52,369	51,720	98.8%	45,364	86.6%
North East	19,408	19,127	98.6%	17,853	92.0%
North West	58,321	56,982	97.7%	52,346	89.8%
South East	47,989	47,262	98.5%	40,069	83.5%
South West	36,651	35,720	97.5%	30,243	82.5%
West Midlands	26,390	26,092	98.9%	22,166	84.0%
Yorkshire & Humberside	31,477	30,705	97.5%	26,588	84.5%
England	329,082	322,948	98.1%	282,902	86.0%

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

Vehicle compliance

Enforcement authorities inspected 4,009 vehicles (e.g. taxis, private hire vehicles, coaches, and buses) in December. The overall compliance rate for no-smoking was 98.1%, similar to that of premises, varying between 92.3% in London and 99.0% in the East Midlands and Yorkshire and Humberside.

The overall signage compliance rate in December was 96.8%, slightly higher than that of premises, varying between 41.0% in London (based on a small number of inspections) and 99.8% in the South East.

December 2007					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	891	882	99.0%	883	99.1%
East of England	733	717	97.8%	711	97.0%
London	39	36	92.3%	16	41.0%
North East	82	81	98.8%	79	96.3%
North West	922	909	98.6%	881	95.6%
South East	500	493	98.6%	499	99.8%
South West	379	364	96.0%	363	95.8%
West Midlands	174	164	94.3%	163	93.7%
Yorkshire & Humberside	289	286	99.0%	284	98.3%
England	4,009	3,932	98.1%	3,879	96.8%

Base: all respondent local authorities and port health authorities (316)

In the first six months of the legislation, authorities inspected a total of 50,908 vehicles. (Note: this could include multiple inspections of the same vehicle.) The overall compliance rates were 98.4% (no-smoking) and 90.4% (signage).

July – December (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	5,234	5,147	98.3%	4,826	92.2%
East of England	8,019	7,896	98.5%	7,318	91.3%
London	1,564	1,516	96.9%	1,293	82.7%
North East	3,379	3,339	98.8%	3,263	96.6%
North West	9,175	9,061	98.8%	8,654	94.3%
South East	8,696	8,540	98.2%	8,081	92.9%
South West	4,526	4,381	96.8%	3,728	82.4%
West Midlands	3,290	3,258	99.0%	3,012	91.6%
Yorkshire & Humberside	7,025	6,947	98.9%	5,860	83.4%
England	50,908	50,085	98.4%	46,035	90.4%

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

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

During December, enforcement authorities issued 216 written warnings in respect of premises/vehicles' management failing to prevent smoking (equivalent to 0.9% of premises/vehicles inspected). There was 1 court hearing.

December 2007		
	Number of written warnings given	Number of court hearings
East Midlands	25	0
East of England	27	0
London	34	0
North East	14	0
North West	33	1
South East	28	0
South West	14	0
West Midlands	22	0
Yorkshire & Humberside	19	0
England	216	1

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

During July-December, enforcement authorities issued 1,449 written warnings in respect of failing to prevent smoking and there were 9 court hearings.

July – December (cumulative)		
	Number of written warnings given	Number of court hearings
East Midlands	191	0
East of England	184	0
London	126	0
North East	69	0
North West	194	6
South East	251	2
South West	148	1
West Midlands	177	0
Yorkshire & Humberside	109	0
England	1,449	9

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

Enforcement – premises/vehicles failing to display correct signage

Enforcement authorities issued 295 written warnings in respect of premises/vehicles failing to display correct signage in December (equivalent to 1.3% of premises/vehicles inspected). Four fixed penalty notices were issued, and there were no court hearings.

December 2007			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	24	0	0
East of England	24	0	0
London	114	0	0
North East	3	0	0
North West	18	0	0
South East	39	1	0
South West	16	2	0
West Midlands	10	1	0
Yorkshire & Humberside	47	0	0
England	295	4	0

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

During July-December, enforcement authorities issued 6,941 written warnings in respect of signage, 26 fixed penalty notices and there were 4 court hearings.

July – December (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	530	1	0
East of England	735	2	0
London	604	9	2
North East	416	0	0
North West	172	2	1
South East	1,838	5	0
South West	833	2	1
West Midlands	557	2	0
Yorkshire & Humberside	1,256	3	0
England	6,941	26	4

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

Enforcement – individuals smoking in a smokefree area

Enforcement authorities issued 127 written warnings to individuals for smoking in a smokefree area in December. Sixty-three fixed penalty notices were issued, and there were no court hearings.

December 2007			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	19	7	0
East of England	14	3	0
London	6	0	0
North East	0	0	0
North West	43	12	0
South East	14	20	0
South West	8	1	0
West Midlands	13	20	0
Yorkshire & Humberside	10	0	0
England	127	63	0

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

During July-December, enforcement authorities issued 645 written warnings, 234 fixed penalty notices and there were 5 court hearings.

July – December (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	129	22	0
East of England	76	11	0
London	30	2	0
North East	44	1	0
North West	104	83	4
South East	68	48	0
South West	74	7	1
West Midlands	48	50	0
Yorkshire & Humberside	72	10	0
England	645	234	5

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

Complaints and enquiries

During December, enforcement authorities received 766 complaints directly about premises or vehicles not complying with the legislation and a further 414 via the national compliance line. Enforcement authorities directly received 85 enquiries.

December 2007			
	Number of complaints received directly by authorities	Number of complaints received via national compliance line	Number of enquiries received directly by authorities
East Midlands	94	48	5
East of England	70	58	3
London	62	46	6
North East	36	34	4
North West	150	61	23
South East	105	45	9
South West	40	39	7
West Midlands	129	54	10
Yorkshire & Humberside	80	29	18
England	766	414	85

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

During July-December, enforcement authorities received 8,172 complaints directly, 5,432 via the national compliance line, and directly received 8,151 enquiries.

July – December (cumulative)			
	Number of complaints received directly by authorities	Number of complaints received via national compliance line	Number of enquiries received directly by authorities
East Midlands	795	530	757
East of England	851	635	1,119
London	1,194	727	1,303
North East	453	409	568
North West	1,309	773	958
South East	994	672	1,305
South West	705	633	925
West Midlands	1,053	577	576
Yorkshire & Humberside	818	476	640
England	8,172	5,432	8,151

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