

## SMOKEFREE LEGISLATION COMPLIANCE DATA

### Report covering April 2008 – June 2008 (Period 9)

This report summarises the findings of the ninth 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](http://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 300 local authorities (85%), the data from which also covered 35 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 306 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 April – 30th June** 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 48,755 premises and vehicles during April – June 2008, of which 98.5% were compliant in terms of no-smoking (defined as no evidence of management knowingly permitting smoking). The compliance rate varied little by region: from 98.0% in London to 99.5% in the South West.

Overall, 94.8% of premises and vehicles were compliant in terms of signage (defined as the required no-smoking signage being displayed prominently), varying between 88.5% in the East Midlands and 98.9% in the North East.

April – June 2008					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	5,629	5,546	98.5%	4,981	88.5%
East of England	6,340	6,248	98.5%	6,011	94.8%
London	5,386	5,278	98.0%	5,023	93.3%
North East	2,556	2,521	98.6%	2,527	98.9%
North West	9,441	9,276	98.3%	9,005	95.4%
South East	5,209	5,157	99.0%	5,058	97.1%
South West	5,896	5,864	99.5%	5,652	95.9%
West Midlands	3,867	3,801	98.3%	3,719	96.2%
Yorkshire & Humberside	4,431	4,350	98.2%	4,234	95.6%
England	48,755	48,041	98.5%	46,210	94.8%

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

In the first twelve months of the legislation, authorities inspected a total of 502,435 premises and vehicles. (Note: this could include multiple inspections of the same premises/vehicle.) The overall compliance rates were 98.2% (no-smoking) and 88.1% (signage).

July 2007 – June 2008 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	42,859	42,019	98.0%	37,828	88.3%
East of England	58,300	57,155	98.0%	50,844	87.2%
London	70,987	69,937	98.5%	61,893	87.2%
North East	29,433	29,037	98.7%	27,584	93.7%
North West	88,165	86,302	97.9%	80,717	91.6%
South East	69,825	68,803	98.5%	60,912	87.2%
South West	55,316	54,118	97.8%	47,212	85.3%
West Midlands	38,023	37,464	98.5%	33,004	86.8%
Yorkshire & Humberside	49,527	48,525	98.0%	42,769	86.4%
England	502,435	493,360	98.2%	442,763	88.1%

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

## Premises compliance

Enforcement authorities inspected 39,846 premises in April – June 2008, of which 98.7% were compliant in terms of no-smoking. There was little variation by type of premises.

Overall, 94.8% of premises were compliant in terms of signage.

April – June 2008					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	1,226	1,205	98.3%	1,150	93.8%
Restaurants	3,451	3,408	98.8%	3,315	96.1%
Other licensed	3,398	3,283	96.6%	3,257	95.9%
Other	19,182	18,900	98.5%	18,007	93.9%
Not specified*	12,589	12,525	99.5%	12,053	95.7%
<b>Total</b>	<b>39,846</b>	<b>39,321</b>	<b>98.7%</b>	<b>37,782</b>	<b>94.8%</b>

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

\*92 authorities were unable to provide a breakdown by premises type.

In the first twelve months of the legislation, authorities inspected a total of 429,994 premises. (Note: this could include multiple inspections of the same premises.) The overall compliance rates were 98.2% (no-smoking) and 87.6% (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 – June 2008 (cumulative)					
Types of premises	Number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
Accommodation	10,668	10,347	97.0%	9,565	89.7%
Restaurants	34,502	33,928	98.3%	31,541	91.4%
Other licensed	47,128	45,793	97.2%	44,161	93.7%
Other	261,837	257,200	98.2%	224,797	85.9%
Not specified*	75,859	74,973	98.8%	66,451	87.6%
<b>Total</b>	<b>429,994</b>	<b>422,241</b>	<b>98.2%</b>	<b>376,515</b>	<b>87.6%</b>

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 April – June 2008: it varied between 97.9% in Yorkshire & Humberside and 99.6% in the South West.

There was slightly more variation in the signage compliance rate in April – June 2008: it varied between 89.6% in the East Midlands, and 98.8% in the North East.

April – June 2008					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	4,392	4,339	98.8%	3,936	89.6%
East of England	4,902	4,843	98.8%	4,641	94.7%
London	5,318	5,215	98.1%	4,962	93.3%
North East	2,116	2,101	99.3%	2,090	98.8%
North West	7,484	7,362	98.4%	7,217	96.4%
South East	3,687	3,664	99.4%	3,547	96.2%
South West	5,076	5,054	99.6%	4,845	95.4%
West Midlands	3,535	3,478	98.4%	3,398	96.1%
Yorkshire & Humberside	3,336	3,265	97.9%	3,146	94.3%
England	39,846	39,321	98.7%	37,782	94.8%

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

July 2007 – June 2008 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	35,111	34,422	98.0%	30,830	87.8%
East of England	45,348	44,444	98.0%	38,917	85.8%
London	69,249	68,261	98.6%	60,476	87.3%
North East	25,271	24,950	98.7%	23,555	93.2%
North West	74,381	72,728	97.8%	67,742	91.1%
South East	57,461	56,649	98.6%	49,196	85.6%
South West	49,185	48,166	97.9%	41,952	85.3%
West Midlands	33,984	33,497	98.6%	29,307	86.2%
Yorkshire & Humberside	40,004	39,124	97.8%	34,540	86.3%
England	429,994	422,241	98.2%	376,515	87.6%

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

## Vehicle compliance

Enforcement authorities inspected 8,909 vehicles (e.g. taxis, private hire vehicles, coaches, and buses) in April – June 2008. The overall compliance rate for no-smoking was 97.9%, slightly lower than that of premises, varying between 92.6% in London and 99.1% in Yorkshire & Humberside.

The overall signage compliance rate in April – June 2008 was 94.6%, similar to that of premises, varying between 84.5% in the East Midlands and 99.4% in Yorkshire & Humberside.

April – June 2008					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	1,237	1,207	97.6%	1,045	84.5%
East of England	1,438	1,405	97.7%	1,370	95.3%
London	68	63	92.6%	61	89.7%
North East	440	420	95.5%	437	99.3%
North West	1,957	1,914	97.8%	1,788	91.4%
South East	1,522	1,493	98.1%	1,511	99.3%
South West	820	810	98.8%	807	98.4%
West Midlands	332	323	97.3%	321	96.7%
Yorkshire & Humberside	1,095	1,085	99.1%	1,088	99.4%
England	8,909	8,720	97.9%	8,428	94.6%

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

In the first twelve months of the legislation, authorities inspected a total of 72,441 vehicles. (Note: this could include multiple inspections of the same vehicle.) The overall compliance rates were 98.2% (no-smoking) and 91.5% (signage).

July 2007 – June 2008 (cumulative)					
	Total number inspected	Identified as compliant – no smoking		Identified as compliant – signage	
		Number	%	Number	%
East Midlands	7,748	7,597	98.1%	6,998	90.3%
East of England	12,952	12,711	98.1%	11,927	92.1%
London	1,738	1,676	96.4%	1,417	81.5%
North East	4,162	4,087	98.2%	4,029	96.8%
North West	13,784	13,574	98.5%	12,975	94.1%
South East	12,364	12,154	98.3%	11,716	94.8%
South West	6,131	5,952	97.1%	5,260	85.8%
West Midlands	4,039	3,967	98.2%	3,697	91.5%
Yorkshire & Humberside	9,523	9,401	98.7%	8,229	86.4%
England	72,441	71,119	98.2%	66,248	91.5%

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

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

During April – June 2008, enforcement authorities issued 436 written warnings in respect of premises'/vehicles' management failing to prevent smoking (equivalent to 0.9% of premises/vehicles inspected). There were 12 court hearings.

April – June 2008		
	Number of written warnings given	Number of court hearings
East Midlands	83	1
East of England	33	1
London	38	3
North East	19	0
North West	76	5
South East	26	0
South West	31	0
West Midlands	78	1
Yorkshire & Humberside	52	1
England	436	12

Base: all respondent local authorities and port health authorities (304).

During July 2007 – June 2008, enforcement authorities issued 2,488 written warnings in respect of failing to prevent smoking and there were 31 court hearings.

July 2007 – June 2008 (cumulative)		
	Number of written warnings given	Number of court hearings
East Midlands	364	1
East of England	257	3
London	300	6
North East	125	0
North West	350	13
South East	347	2
South West	210	2
West Midlands	333	3
Yorkshire & Humberside	202	1
England	2,488	31

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

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

Enforcement authorities issued 702 written warnings in respect of premises/vehicles failing to display correct signage in April – June 2008 (equivalent to 1.4% of premises/vehicles inspected). Forty fixed penalty notices were issued, and there was one court hearing.

April – June 2008			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	293	4	0
East of England	57	1	0
London	86	2	0
North East	5	0	0
North West	7	28	0
South East	64	2	0
South West	93	1	0
West Midlands	52	2	0
Yorkshire & Humberside	45	0	1
England	702	40	1

Base: all respondent local authorities and port health authorities (305).

During July 2007 – June 2008, enforcement authorities issued 8,872 written warnings in respect of signage, 89 fixed penalty notices and there were nine court hearings.

July 2007 – June 2008 (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	1,121	5	0
East of England	967	3	0
London	1,097	11	4
North East	433	4	0
North West	222	36	2
South East	1,988	15	0
South West	1,013	6	2
West Midlands	664	5	0
Yorkshire & Humberside	1,367	4	1
England	8,872	89	9

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

## Enforcement – individuals smoking in a smokefree area

Enforcement authorities issued 212 written warnings to individuals for smoking in a smokefree area in April – June 2008, 180 fixed penalty notices, and there were nine court hearings.

April – June 2008			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	41	15	0
East of England	35	22	0
London	6	5	0
North East	26	6	0
North West	26	64	8
South East	27	5	0
South West	15	11	0
West Midlands	26	34	1
Yorkshire & Humberside	10	18	0
England	212	180	9

Base: all respondent local authorities and port health authorities (305).

During July 2007 – June 2008, enforcement authorities issued 1,120 written warnings, 657 fixed penalty notices and there were 17 court hearings.

July 2007 – June 2008 (cumulative)			
	Number of written warnings given	Number of fixed penalty notices issued	Number of court hearings
East Midlands	195	55	0
East of England	166	63	0
London	50	11	0
North East	91	16	1
North West	160	199	14
South East	137	93	0
South West	121	29	1
West Midlands	91	139	1
Yorkshire & Humberside	109	52	0
England	1,120	657	17

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