



Problem solvers

Are you facing a community transport problem? Perhaps you're assessing the implications of recent legislation or considering the specifications of a new vehicle. Whatever your community transport poser, *CTA Journal* can help.

Our problem solver Amanda Eastwood (pictured) is a member of the CTA's advice and information team. Every day the team members field enquiries from across the UK's community transport sector and have a

wealth of knowledge and experience to draw upon.

If you have a problem that you'd like solved on this page, please write to Problem Solvers at *CTA Journal*, Unit 4, 25a Vyner Street, London E2 9DG.

"I run a community transport scheme using both volunteer drivers and employed drivers. How does the no-smoking legislation affect both our premises and our vehicles?"

The new legislation banning smoking in enclosed public places came into effect at 6am on 2 April 2007 in Wales, on 30 April 2007 in Northern Ireland and will come into effect on 1 July 2007 in England. The legislation is similar to that which already exists in Scotland and the Republic of Ireland, where virtually all enclosed public places, including workplaces, have become smoke-free environments in an attempt to reduce the effects of passive smoking.

The ban not only covers enclosed premises, but also premises that are "substantially enclosed". The legislation also covers vehicles that are used for the transport of members of the public, or a section of the public, and vehicles that are used for voluntary or paid work by more than one person (even if the people who use them do so at different times or only intermittently).

Organisations that do not display the required signs in premises or vehicles will face a £200 fixed penalty or – if the matter goes to court or the penalty is not paid – a fine of up to £1,000; those who fail to prevent smoking in their premises or vehicles can face fines of up to £2,500. People who smoke in smoke-free premises or vehicles will face a fixed penalty of £50 or a fine of up to £200.

Signs for premises must be at least A5 size (210mm x 148mm). Signs for vehicles must be at least 70mm x 70mm. The international no-smoking symbol in both signs must be at least 70mm in diameter and must be printed in colour (red and black on a white background). NB: there are slight differences in measurements and styles of sign between countries – see the websites below for details



On the sign, the words "these premises" may be changed to refer to the particular location where the sign is displayed – for example, "this minibus" or "in this doorway". "No Smoking" signs can be purchased directly from the CTA (see advert opposite).

Organisations will be responsible for ensuring all staff, volunteers, members and visitors are aware of the new regulations, and will have to display the proper no-smoking signage. The regulations place a legal duty on any person with management responsibilities for smoke-free premises or vehicles to display a no-smoking sign in each enclosed compartment that can accommodate people.

Organisations are encouraged to issue a smoke-free policy acknowledging the right of employees to work in a smoke-free environment. These should:

- be concise and simple to understand;
- identify the members of management and staff who have responsibility for the implementation of the policy;

- identify the outside areas where people can smoke;
- provide information on how to obtain help to stop smoking;
- include a consultation with members of staff;
- be communicated to all members of staff (including new employees and volunteers before they start work).

Organisations will need to decide how to deal with non-compliance and how

the policy fits within their existing health and safety and disciplinary policies.

There is no requirement for employers to provide smoking shelters. It is common for health-focused employers not to spend money creating places for smokers to congregate. If an organisation does have an outside smoking shelter or area, it will need to be sure that it is not "enclosed" or "substantially enclosed" under the definitions set out in the smoke-free regulations.

The CTA recommends that a no-smoking policy should be established before the law comes into force in order to reduce the effects of passive smoking. ■

- In the last issue of *CTA Journal* (March/April 2007) we reported on the implications of the forthcoming repeal of the Local Government (Miscellaneous Provisions) Act 1976. It has been announced that this repeal will take place in January 2008.

The CTA advice and information service

The CTA's advice and information service covers the UK. It is open Monday to Friday from 9am to 5pm. There's also more information and advice on the CTA's website, www.ctauk.org. To contact an expert adviser, telephone 0845 130 6195, or email advice@ctauk.org. In Northern Ireland, telephone 028 9040 3535 or email adviceNI@ctauk.org. NB: Since 1 January 2007, CTA Ireland manages its own service for the Republic of Ireland.

Further information

England www.smokefreeengland.co.uk
Northern Ireland www.spacetobreathe.org.uk/default.asp
Scotland www.clearingtheairsotland.com/index.html
Wales www.smokingbanwales.co.uk