

Smoking in vehicles – a guide for you and your business

What does the law say?

Smokefree Law makes it a criminal offence to allow smoking in virtually all enclosed public places and all workspaces.

What do the regulations mean for work vehicles?

All company vehicles are required to be smoke free at all times if they are used:

- to transport members of the public, or
- in the course of paid or voluntary work by more than one person – regardless of whether they are in the vehicle at the same time.

Vehicles used mainly for private purposes are not required to be smoke free.

Who is responsible?

- It is the responsibility of the person who controls or who is concerned in the management of smokefree premises to prevent or stop people from smoking on the premises.
- For vehicles this responsibility falls to the driver, any person with management responsibility for the vehicle and any person who is responsible for the use and control of the vehicle.

What are the penalties for breaking the law?

The law sets out the following penalties:

- smoking in a smoke free place or vehicle: Fixed penalty fine of **£50**, summary conviction of **£200** (driver or passenger)
- failing to display a "No Smoking" sign: Fixed penalty fine of **£200**, summary conviction **£1000** (the business)
- failing to prevent smoking in a smoke free place or vehicle: summary conviction **£2500**, no fixed penalty for this offence (the business)

Who enforces the law?

- Smokefree enforcement is dealt with by the Council's Enforcement Officers.
- All business premises are checked for compliance with smoke free requirements. Enforcement action is in line with Luton Borough Council's enforcement policy.

What do I need to do to comply?

- **All** smokefree vehicles must display a no smoking sign. This must show the international no smoking symbol (no smaller than 70mm in diameter). At least one No Smoking sign must be displayed in a prominent position in each compartment of the vehicle.
- You must have a smoking in vehicles policy telling workers the rules on smoking in vehicles. Your policy must comply with or go further than the requirements in the law.
- You should implement arrangements such as spot checks and vehicle checks to ensure rules are being

Where can I get further information?

- If you would like more information about compliance with legislation, contact Luton Borough Council Smokefree officers on 01582 510330.
- To make a complaint about a smoke free issue, for example if you observe someone smoking in a smoke free premises or vehicle, contact Luton Borough Council **Tel:** 01582 510330, **Email:** environmentalhealth@luton.gov.uk

What support is available to help people to stop smoking?

The Luton Stop Smoking Service offers plenty of support and advice to help people quit. For more information call free on 0800 013 0845 .

As the owner of a business, it is your responsibility to show the Council you are complying with the requirements set out above.