



Finn Gledhill
SOLICITORS

'Outside' smoking areas

'Going outside for a fag' could constitute breaking the law if designated smoking shelters fall foul of new legislation banning smoking in workplaces which are 'enclosed' public areas.

This issue has been raised in the House of Lords and Shadow Health Minister, Earl Howe called for clarification of the definitions of 'enclosed' or 'substantially enclosed', so that businesses can apply for the necessary planning permissions. Although primarily affecting pubs and clubs, other employers have also been asking for guidance on the design of facilities for their staff once the smoking ban comes into force.

Under regulations now in place in Scotland, any shelter needs to be less than 50% enclosed. Any more and it becomes an enclosed space in which smoking is prohibited.

So far neither the British Standards Institute or the Health and Safety Executive have issued standards/guidance for smoking shelters.