

# DESIGNATED SMOKING AREAS

## It is against the law in Scotland to smoke, or permit someone else to smoke, within premises which are enclosed or substantially enclosed

When determining if a wall or structure should be considered part of premises, Glasgow City Council interpret this as a gap of less than 2 metres between the roof of the premises and the wall or structure in question.

Glasgow City Council hold that premises having a solid covering which screens more than 50% of the floor area as one which has a roof or ceiling.

Any land which does not form part of the premises (e.g. a street café area) cannot be included in the calculation of the overall area of any 'smoking zone' when determining if the premises is substantially enclosed.

**Note:** doors and windows are not considered to be open when determining the percentage of open areas in terms of this legislation\*. (\*In certain circumstances, shutters (or similar) may be installed to close all or some of the openings when the premises is not in operation to provide security and pest-proofing of the premises to comply with relevant Food Hygiene legislation.)

Where premises are found to be enclosed or substantially enclosed there is also a requirement to display notices to inform users of the premises that smoking is not permitted.

It should be noted that the requirements above are not applicable to the use of electronic nicotine vapour devices which are not restricted by this legislation.

*premises shall be taken to be "substantially enclosed" if-*

*(i) the opening in the premises has an area; or*

*(ii) if there is more than one, both or all those openings have an aggregate area,*

*which is less than half of the area of the walls, including any other structures serving the purpose of walls, which constitute the perimeter of the premises*

*Regulation 3(d), Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006*



Smoking Areas which satisfy the Legislation

### Examples

- All partially enclosed
- Aggregate area of openings is greater than aggregate area of solid wall

## Penalty for Non-Compliance

Non-compliance with the legislation can result in the issue of a Fixed Penalty Notice (£200 fine for permitting smoking in a No-Smoking area; £50 fine for smoking in a No-Smoking area; and/or, £200 fine for failing to display the appropriate signage in a No-Smoking area) or report to the Crown Office and Procurator Fiscal Service.

## Planning a Smoking Area?

If it is your intention to form a smoking area at your premises, it is strongly recommended that you provide outline plans/description of your proposal to this Service using the contact details on this page to discuss the options available to you. Plans should be approved before works are carried out to ensure that the premises will comply with the legislation and to avoid unnecessary costs.

You should also contact Development and Regeneration Services (DRS) regarding the requirements for Building Warrant and Planning Consent; the Duty Planning Officer can be contacted by calling 0141 287 6060. Alterations carried out without the required permission may require to be restored to the original layout and appearance.

If you are considering using the pavement at your premises to create an external street café area you will require consent from DRS Planning and you will also require permission to use the pavement; the permit to use the pavement is issued under section 59 of the Roads (Scotland) Act 1984 and information can be obtained by calling 0141 287 5918.

**NB:** any land which does not form part of your premises (e.g. a street café area) cannot be included in the calculation of the overall area of any 'smoking zone' when determining if the premises is "substantially enclosed".

### Contact Us

Further information can be obtained by contacting:

**Scientific and Regulatory Services**  
**Land and Environmental Services**  
**Glasgow City Council**  
**231 George Street**  
**Glasgow**  
**G1 1RX**

T: 0141 287 1059

F: 0141 287 8101

[healthandsafety@glasgow.gov.uk](mailto:healthandsafety@glasgow.gov.uk)

### This Notice provides a warning that it is an offence to:

- be a person having the management or control of the No-Smoking premises who permits another person to smoke within those premises;
- be a person having management or control of the No-Smoking premises who fails to conspicuously display appropriate warning notices in, on or near to those premises.

Should offences be witnessed during future visits to your premises then the person in control or management of the premises may be liable to a fine or prosecution.

Should you have any concerns regarding the legality of a smoking area at your premises, require any further assistance or wish clarification on any aspect of the legislation please contact this Service at the address, email or telephone number listed on this page.



Information of the Scottish Government's aim to create a tobacco free generation by 2034 can be found at:

<http://www.gov.scot/Topics/Health/Services/Smoking>

A generation of young people with no desire to smoke and free from the health and economic disadvantages that come with tobacco.