

# SMOKING SHELTERS – A GUIDE



## **1. INTRODUCTION**

This short guidance note provides general advice on how smoking structures will be assessed by both the Environmental Health and Planning Units of Gwynedd Council.

The Health Act 2006 makes provision for enclosed and substantially enclosed public places and shared work places to be smoke free. The Smoke – Free Premises etc. (Wales) Regulations 2007 provide a definition of what constitutes “enclosed and substantially enclosed,” however as a general rule at least 50% of the perimeter of the structure of the walls should be open.

There is no requirement in the above legislations for employers and publicans to provide a smoking shelter. However many businesses and employers may choose to provide such facilities for their customers and employees

## **2. NEED FOR PLANNING PERMISSION AND/OR LISTED BUILDING CONSENT**

Generally all permanent outside structures or canopies require Planning Permission. If your building is listed you will also require Listed Building Consent. If you propose any form of advertisement on your canopy or structure then Advertisement Consent may also be required.

## **3. WHAT TYPE OF STRUCTURE MAY BE ACCEPTABLE?**

In determining any application for facilities for smokers the main issues to be considered will be:

- Does the structure comply with the Smoke Free Premises etc. (Wales) Regulations 2007? i.e. is it a minimum of 50% open.
- Will the location of the structure have an adverse impact on nearby residents or properties i.e. in terms of noise from customers or smoke drifting into Smoke Free areas or neighbouring properties.
- Is the structure / canopy in keeping with its surroundings in terms of its visual impact. If the building is located within a Conservation Area or is a Listed Building then extra care should be taken in the choice of structure.

#### 4. WHERE SHOULD THE SMOKING SHELTER BE LOCATED?

- As far away as possible from any nearby residential properties or public building.
- Avoid siting on the front of buildings especially if smokers could impede footways or give rise to disorderly behaviour.
- Avoid locating the shelter where smoke could drift into smoke free areas.
- Avoid locating the shelter too close to buildings or other structures which could impede the ventilation provided within the shelter

#### 5. IS CONSENT REQUIRED FOR CIGARETTE DISPOSAL UNITS?

It is good practise to provide “cigarette disposal units” in smoking shelters to avoid unsightly cigarette waste and generally if located within the shelter themselves they will not require consent.

It is also usual to see such facilities at entrances to public buildings and provided that they do not impede any public footway and are not affixed to a listed building consent would not be required for their installation as they would be classed as being “de minimus”.

#### USEFUL LINKS

In addition here are a few links which you may also find useful:

<http://www.smokingbanwales.co.uk/>

<http://www.thepublican.com/>



#### FURTHER ADVICE

If you would like further advice on either Environment Health or Planning matters before deciding to apply for consent for a Smoking Shelter / Canopy please contact the council on one of the numbers indicated on the “how to contact us” page:

## HOW TO CONTACT US:

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