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"Proclaiming the Word and Work of God"

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To: All Clergy

Smoke-free England

Guidance for Parsonage Houses

From 1 July 2007 virtually all enclosed public places and workplaces in England will become smoke-free. The new law is being introduced to protect employees and the public from the harmful effects of secondhand tobacco smoke.

So how does this affect Parsonages?

The new smoke-free law will apply to virtually all 'enclosed' and 'substantially enclosed' public places and workplaces. From 1 July those people who control or manage smoke free premises will have legal responsibilities to prevent people from smoking. The new law will require no smoking signs to be displayed in all smoke free premises.

Which parts of the parsonage house must be smoke-free?

The Smoke Free (Exemptions and Vehicles) Regulations 2007 state that a private dwelling does not have to be smoke-free except for any part which is used solely as a place of work by more than one person who does not live at the dwelling, or a person who does not live in the dwelling and a person who does, or a person (whether he or she lives in the dwelling or not) who in the course of his or her work invites persons who do not live in the dwelling to attend that part of it which is used solely as a place of work..

When determining whether a part of a dwelling is used solely as a place of work, the Regulations exclude work that is undertaken solely (1) to provide personal care for a person living at that dwelling (2) to assist with the domestic work of that household (3) to maintain the structure or the fabric of the dwelling or (4) to install, maintain or remove any service provided to dwelling for the benefit of the persons living in it.

Therefore the new smoke-free law will apply only to parts of dwelling used solely as a place of work. In a parsonage it is likely that the study would be the only area that may be affected and would only become statutorily smoke-free if the incumbent had two or more secretaries, or other church workers, who did not live at the parsonage and used the study solely as their place of work within the parsonage.

The incumbent himself is unlikely to use his study solely as a place of work and this therefore exempts it from the regulations.

If parts of the dwelling are used for both work purposes and private residential purposes, for example a living room which doubles as a meeting room, the new smoke-free law will still not apply.

With respect to the parsonage grounds, a public place includes both permanent structures and temporary ones such as tents and marquees which may therefore be caught if, for example, they are open to the public for a church fete to which any member of the public could attend. Private functions are exempt.

Nothing in the new law, of course, takes away the occupier's right to not allow smoking in any part of the premises.

What sort of signs do we need if we are going smoke-free?

No-smoking signs that are required to be displayed must meet the following minimum requirements:

- _ be a minimum of A5 in area (210mm x 148mm)
- _ display the international no-smoking symbol at least 70mm in diameter*
- _ carry the following words in characters that can be easily read:

No smoking. It is against the law to smoke in these premises

Where should the signs be displayed?

The new law says that signs 'need to be displayed in a prominent position at every entrance to smoke-free premises'. It does not stipulate the precise location (such as on the door) in order to afford maximum flexibility for signs to be displayed in the most appropriate place in the smoke-free part of the premises.

It will be up to you to choose the most appropriate place in the building for the sign, as long as the sign is prominently displayed. It is not necessary for it to be permanently fixed to the fabric of the building. It may be that the sign could be displayed within a porch at the front of the premises. If you have any questions about the new law (for example, you are unsure about where a sign should be positioned), we recommend you consult your environmental health officer at your local Council (who will be responsible for compliance) for further information. Their role will be to help you – it is not the intention of enforcement authorities to approach churches, church buildings or clergy houses in a punitive way.

In addition, smaller signs consisting of the international no-smoking symbol only (at least 70mm in diameter) must be displayed at external entrances to smoke-free premises that are only used by members of staff (e.g. the incumbent's study in the limited circumstances outlined above) – providing the premises displays at least one A5 area sign.

Do we have to pay for these signs?

No. Free no-smoking signs can be downloaded and printed or for a limited time, ordered from smokefreeengland.co.uk/resources or by calling 0800 169 1697.

You can also display personalised signs by changing the words 'these premises' to refer to the name or type of premises - such as 'this study' - as long as the sign meets the minimum requirements set out in the new law.

Why is this necessary?

The signs will make it clear which premises and vehicles are smoke-free and will demonstrate that you are taking the necessary steps to meet the requirements of the new law.

They also provide some degree of legal protection for you in the unlikely event of someone being caught smoking on the premises.

Where can I find further information on smoke-free legislation?

Log onto smokefreeengland.co.uk or phone the smoke-free England Information Line on 0800 169 1697 for the full guidance and to order or download free signs.

* The international no-smoking symbol consists of a graphic representation of a single burning cigarette enclosed in a red circle of at least 70mm in diameter with a red bar across it.

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