



Dani Penney
 Health Improvement Officer
 Public Health | Health and Adult Services
 North Yorkshire County Council | County Hall
 Northallerton | North Yorkshire | DL7 8DD
 07814361786
Dani.penney@northyorks.gov.uk
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Pavement Licences – Smokefree Seating Condition

Dear Licence Holder,

I am contacting you in relation to your licence under the Business and Planning Act (2020) which permits you to place seating on the relevant highway for the purpose of providing/consuming food or drink. My interest is regarding the smokefree seating condition as part of the licence. I work within the NYCC Public Health team and lead on the Smokefree Places work aligned with the national Tobacco Control strategy, which aims to achieve a smokefree generation by 2030. Smoking is the single largest cause of preventable death, it reduces life expectancy and quality of life, and the latest report shows that 94,000 people in England died of a smoking related cause last year.

The smokefree seating condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. **This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area.** It seeks to ensure customers have greater choice, in order to protect public health by reducing risks of COVID transmission. It is important that businesses can cater to their customers' preferences. Ways of meeting this condition could include:

- **Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012 which can be viewed here: [The Smoke-free \(Signs\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk).**
- **No ash trays or similar containers to be provided or permitted to be left on furniture where smoke-free seating is identified.**
- **Licence holders should provide a minimum 2M distance between non-smoking and smoking areas, wherever possible.**

Business can choose to go further and make 100% smokefree seating a condition of their licence. Smoking bans are popular with the public due to the health harms associated with first and second-hand smoke. Smokefree outdoor areas have been implemented around the world for many years and have been well received by the public. We appreciate that some business owners may feel concerned about adopting a smoking ban; however, studies show that there is no evidence of an adverse impact on businesses after becoming smokefree. You can read more about the benefits of imposing a 100% smokefree seating condition here: [ASH-Briefing-for-councils-on-smoke-free-pavement-Licences-200724FINAL.pdf](#).

Public Health England has also published [guidance for smokers and vapers during the COVID pandemic](#). The guidance touches on the links between poor respiratory health (caused by smoking) and the risk of contracting a respiratory condition (such as Covid-19) and suffering more severe symptoms as a result. Businesses can help protect customers from the damage caused by first or second hand smoking through adopting a smokefree environment. Becoming smokefree also supports those who are trying to or would like to quit smoking. I have attached an infographic with this correspondence detailing the immediate and long-term benefits associated with quitting smoking.

Should you seek guidance or support in this matter, please do not hesitate to contact me via the above contact details.

Yours Sincerely,
 Dani Penney
 Health Improvement Officer, NYCC