



Walsall Council

Environmental Health

Derrick Minott
C/o Lexx Jerkz Bar & Grill
75 Bridge Street
Walsall, WS11JQ

Your Ref:
Our Ref: WK/202115394
Date: 3rd Febuary 2022
Please ask for: Rishi Bawa
Direct Line/Mob: [REDACTED]
E-mail: [REDACTED]

Dear Sir,

Re: Lexx Jerkz Bar & Grill Rear Smoking Shelter Health Act 2006

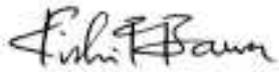
I refer to the follow up visit to the above premises on 20th January 2022 by myself and my colleague Anthony Stewart to reassess the progress in connection with the smoking shelter. Having re-inspected the marquee and adjoining area, I can confirm some of the sides to the marquee were removed. Therefore the marquee satisfied the condition of being at least 50% open sided and thereby complied with the above legislation at the time of the visit.

I would again reiterate my comments from my previous letter dated 5th November 2021 which would help you to demonstrate your compliance.

- 1) It is strongly recommended that you establish and implement a written policy and set out clear procedures to deal with smoking in a smoke-free place. I have attached a draft smoke-free policy at the end of this letter.
- 2) You should ensure that your staff are trained on both your smoke-free policy and written procedures for dealing with smoking. Staff should fully understand their roles and responsibilities with regard to implementation.
- 3) It is also advised that you keep a written record of any incident where an individual smokes on the premises in contravention of the legislation, together with the action taken by members of the staff and the outcome.
- 4) Ashtrays and other such receptacles should not be present inside smoke-free premises.
- 5) You should ensure the correct legally prescribed signage is clearly displayed.

I look forward to your continued cooperation, should you require any further clarification/advice please do not hesitate to contact me.

Yours faithfully,



Rishi Bawa
Environmental Health Officer

Cc: Letter sent by Email to: [REDACTED]

Photos taken on 20th January 2022





SMOKE-FREE POLICY

Purpose

This policy has been developed to protect all employees, service users, customers and visitors from exposure to second-hand smoke and to assist compliance with the Health Act 2006.

Exposure to second-hand smoke, also known as passive smoking, increases the risk of lung cancer, heart disease and other illnesses. Ventilation or separating smokers and non-smokers within the same airspace does not completely stop potentially dangerous exposure.

Policy

It is the policy of *[INSERT NAME OF BUSINESS]* that all of our workplaces are smoke-free and all employees have a right to work in a smoke-free environment. The policy shall come into effect on *[INSERT DATE]* and be reviewed on *[INSERT DATE]* by *[INSERT NAME]*.

Smoking is prohibited throughout the entire workplace, with no exceptions. This includes company vehicles.

This policy applies to all employees, consultants, contractors, customers or members and visitors.

[IF THERE ARE EXTERNAL AREAS WHERE EMPLOYEES AND CUSTOMERS CAN SMOKE, THESE SHOULD COMPLY WITH THE LAW AND CAN BE OUTLINED HERE]

Implementation

Overall responsibility for policy implementation and review rests with [NAME] (the manager or person in control of the premises). All staff are obliged to adhere to, and facilitate the implementation of the policy. The person named above shall inform all existing employees, consultants and contractors of the policy and their role in the implementation and monitoring of the policy. They will also have to give all new personnel a copy of the policy on recruitment/induction. Appropriate "No smoking" signs will be clearly displayed at the entrances to the premises and in all smoke-free vehicles.

Non-compliance

Local disciplinary procedure will be followed if a member of staff does not comply with this policy. Those who do not comply with the smoking law may be also liable to a fixed penalty fine and possible criminal prosecution.

Provision for smokers

Research shows that smoke-free workplaces help smokers to give up or reduce the amount they smoke; however, some people will still want to smoke during working hours and many will find it very difficult to cut down or stop. Each organisation will deal with this issue differently depending on the culture and the nature of the work. However, from summer 2007, no smoking can take place at all inside an enclosed building, so any permitted smoking area will have to be outside. Employers and staff should discuss and negotiate sensible arrangements for staff who want to smoke. Provision will have to be made for ash and cigarette ends. If smoking is permitted outside in designated areas, consideration will need to be given to how often and for how long smokers may take breaks.

The NHS Walsall Stop Smoking Service offers a range of free services to help smokers give up. The service can be contacted on 0800 169 9346

Signed: Date:

Position within Company: